

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 15th November 1949.

The House met in the Council Chamber, Fort St. George, at 2-30 p.m., Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Judgments of the Madras High Court on certain Habeas Corpus applications.

* 11 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Premier be pleased to state—

(a) whether the Government have obtained and perused the judgments of the Madras High Court in the *Habeas Corpus* applications dealt with by that Court;

(b) whether it is a fact that in many cases a person is often arrested first and a complete and proper enquiry is set on foot only after the arrest;

(c) what steps, if any, have been taken by Government to ensure that a person is not detained even for a single day unreasonably and without justification;

(d) what steps have been taken by the Government to ensure that the representations made by the detenus are placed before the Advisory Council without undue delay;

(e) whether it is a fact that delay in the submission of remarks on the representations of detenus by the District Magistrates has resulted in unnecessary delay in the consideration of cases by the Advisory Council; and

(f) what steps have been taken by the Government to avoid unnecessary delay at all stages to assist the speedy disposal of representations?

THE HON. SRI K. MADHAVA MENON (on behalf of Hon. the Premier) :—“(a) Yes.

“(b) No.

“(c) Instructions have been issued to the detaining authorities laying down clearly the circumstances under which detention should be ordered. The detaining authorities are expected to issue warrants of detention only after fully satisfying themselves as required under section 2 (1) of the Madras Maintenance of Public Order Act. Detentions ordered by the detaining authorities are immediately reported to Government together with the grounds of detention and such reports and grounds are carefully scrutinized by Government to see if the action taken is justified. Such



CONTENTS

	PAGE
I Questions and Answers	285-301
II Condolence Resolution	301-304
III Message from the Governor	30
IV Supplementary Statements of Expenditure for the year 1949-50.	30
V Discussion re business of the House	305-30
VI Debate on the damages by cyclone in the Andhra districts—cont.	308-34

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[15th November 1949]

THE HON. SRI K. MADHAVA MENON :—" The advice of the Advisory Council is confidential, Sir, and therefore the relationship between the Government and the Advisory Council cannot be disclosed. Some of the members who constitute the Council are High Court Judges and naturally we give them the highest respect."

SRI R. SURYANARAYANA RAO :—" In view of the fact that Government have issued instructions to District Magistrates to avoid these unnecessary delays, may I know, Sir, if any provision is made in the Statute to enable the detenus to seek redress if there is unnecessary delay on the part of the District Magistrates? "

THE HON. SRI K. MADHAVA MENON :—" A Bill on this matter is coming before this House tomorrow or the day after, Sir, when the question can be discussed."

MR. PRESIDENT :—" Why tomorrow? To-day itself we can discuss it, if there is time."

Ante-natal clinics run by local authorities.

* 12 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Public Health be pleased to state whether provision has been made in the ante-natal clinics run by the local authorities to supply expectant mothers attending them with maternity packs and dressings for the lying-in period and, if not, whether the Government propose to issue necessary instructions regarding the same?

THE HON. DR. T. S. S. RAJAN :—" The answer to the first part is in the negative.

" Such provision being desirable, the question has already been taken up for examination with reference to the cost involved and the possibility of even trained expectant mothers not using the materials properly."

Alleged dispossession of land assigned to ex-servicemen.

* 13 Q.—MRS. M. N. CLUBWALA: Will the Hon. the Minister for Land Revenue be pleased to state whether cases of dispossessing ex-servicemen of Grow More Food land in favour of political sufferers have arisen and, if so, what redress has been given to the ex-servicemen?

THE HON. SRI H. SITARAMA REDDI :—" On certain complaints received by Government that lands leased to ex-servicemen under the Grow More Food Scheme were being taken away from them and assigned to political sufferers, the Government issued specific instructions to Collectors that ex-servicemen who were in occupation of lands under the Grow More Food Scheme or otherwise should under no circumstances be dispossessed of their lands if they are landless poor persons. The Collectors have also been

15th November 1949]

informed that lands in the occupation of poor ex-servicemen should be assigned to them in accordance with the general instructions recently issued for assignment of lands. The complaints that were received were transferred to the concerned Collectors for necessary action in accordance with instructions referred to above."

SRI M. NARAYANA RAO :—" May I know, Sir, whether the Government would take away the land from the ex-servicemen if there had been an unauthorized encroachment by them upon the land and re-assign it to political sufferers? "

THE HON. SRI H. SITARAMA REDDI :—" A Government Order has been issued in the matter, Sir, under which the Collectors have been instructed to observe certain conditions in assigning lands. I am sure the Collectors will use their discretion in each case and do the needful."

SRI R. SURYANARAYANA RAO :—" Sir, may I know, in the case of ex-servicemen, if they are not landless and if they have been cultivating the lands under the Grow More Food Scheme, the orders of Government are that they should be taken back? "

THE HON. SRI H. SITARAMA REDDI :—" Sir, this question has not arisen in the way the hon. Member has raised it. I have said that if he is a man who has already got lands and is rich enough, he has no special priority over others."

SRI R. SURYANARAYANA RAO :—" May I know whether that consideration weighs in the case of political sufferers also? "

THE HON. SRI H. SITARAMA REDDI :—" I do not think, Sir."

SRI R. SURYANARAYANA RAO :—" Am I to take it, Sir, that so far as ex-servicemen and others are concerned the fact that they are already owners of land is taken into account while assigning lands and in the case of political sufferers, even if they own lands already, they will still be assigned more lands by Government? "

THE HON. SRI H. SITARAMA REDDI :—" I can only draw the attention of the hon. Member to G.O. No. 1523, dated 11th June 1949 which is elaborate and clear."

JANAB K. T. M. AHAMED IBRAHIM :—" May I know, Sir, whether it is not a fact that even when persons have spent large sums of money in reclaiming lands in their occupation, they have been deprived of their lands and the lands made over to others? "

THE HON. SRI H. SITARAMA REDDI :—" It is quite natural, Sir, that if anyone encroaches upon a land belonging to somebody else he is not allowed to do so. Similarly if

[15th November 1949]

there is any encroachment on Government land, the Government have a right to evict the person concerned and give it to the person entitled to it under the Government Order."

JANAB K. T. M. AHAMED IBRAHIM :—" May I know, Sir, if there are no cases in which the persons who occupy the lands under Government Orders and who have spent large sums of money for cultivating them, have been deprived of such lands and the lands given to political sufferers? "

THE HON. SRI H. SITARAMA REDDI :—" If my hon. friend is referring to any leases, after the termination of the lease, the Government must have probably taken back the lands and assigned them to others."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether at any time these ex-servicemen were promised any land which was taken away later on and will Government assure us that they would not be ousted from the land so long as they continue to remain on it? "

THE HON. SRI H. SITARAMA REDDI :—" Such a hypothetical question cannot be answered, Sir. If my hon. friend can point out to the Government the hardship caused to any ex-servicemen by the Government Order, Government will certainly examine them and give as much consideration as possible. It is our intention, Sir, that ex-servicemen should be helped like any other set of people in the matter of assignment of land."

JANAB K. T. M. AHAMED IBRAHIM :—" Does it not stand to natural justice, Sir, that when a person has been given a certain piece of land and allowed to spend large sums of money on that land, he should not be deprived of that land without paying him any compensation? "

THE HON. SRI H. SITARAMA REDDI :—" It looks quite feasible in the way the hon. Member has put that question. But he does not see clearly that if the lease is for a particular period, even if the lessee has spent large sums of money over the land, he will be directed to leave the land at the expiry of the lease."

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m. SRI R. SURYANARAYANA RAO :—" Will the Hon. Minister assure, Sir, that so long as they cultivate the land they would not be evicted? "

THE HON. SRI H. SITARAMA REDDI :—" Sir, I should like to have notice of this."

SRI S. B. ADITYAN :—" Is it not a fact that all the rules of assignment are observed in cases of assignment of land to political sufferers? "

THE HON. SRI H. SITARAMA REDDI :—" Yes, Sir. There is already a Government Order which clearly explains the procedure to be adopted by the Collectors. The Collectors are following these instructions."

15th November 1949]

Statutory rules for service in the Highways department.

* 14 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Works be pleased to state with reference to the answer given to Question No. 242 on 9th March 1949—

(a) whether statutory rules governing the conditions of service in the Highways department have been framed;

(b) if the answer to (a) is in the affirmative, what the rules are;

(c) what the modifications proposed are in respect of communal representation;

(d) whether the promotion of Assistant Engineers as Divisional Engineers on a temporary basis has resulted in anomalies overlooking the claims of the senior officers; and

(e) whether, in framing service rules for the Highways Department, the disparity between the basic salaries of Local Fund Assistant Engineers and Assistant Engineers (Highways) on the one hand and District Board Engineers and Divisional Engineers on the other has been taken into account?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) Statutory rules governing the conditions of service in the Highways Department have not yet been issued pending a final decision on certain points.

" (b) Does not arise.

" (c) No decision has been arrived at in the matter.

" (d) Pending issue of statutory rules for the Highways Department, appointments to the posts of Divisional Engineers are made on the analogy of the rules relating to the old Madras District Board Engineering Service. Half the number of vacancies in the category of Divisional Engineer's are filled by the appointment of persons selected on grounds of merit, ability and seniority and the other half by persons selected under the communal rule. The promotions already made have not resulted in anomalies overlooking the claims of senior officers if they were otherwise suitable.

" (e) The scales of pay admissible to Local Fund Assistant Engineers and District Board Engineers II Grade were less than the scales admissible to Assistant Engineers and Divisional Engineers in the Highways Department. In fixing the pay of Local Fund Assistant Engineers and District Board Engineers as Assistant Engineer (Highways) and Divisional Engineers (Highways) respectively, the pay drawn by them in the District Board service was duly taken into account."

SRI B. BHIMA RAO :—" I find, Sir, that even on the ground of seniority some people have been superceded. May I know the reasons for it? "

[15th November 1949]

THE HON. SRI M. BHAKTAVATSALAM :—“ We look into confidential records and reports of superior officers and take all that into account and promote officers.”

SRI B. BHIMA RAO :—“ Are the grounds communicated to the persons concerned before they are superceded and is any explanation taken from them as to why they should not be superceded? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I do not think grounds are communicated, Sir.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, when the Hon. Minister expects to formulate these rules. The Highways Department has been in existence for over nearly three years. May I know, Sir, when these rules regulating seniority, etc., would be framed? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I do expect that we will be able to frame the rules very soon.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, what was the necessity to adopt a different system of recruitment and promotion from Assistant Engineers to Divisional Engineers; half on communal representation and half on other basis when the rules are still in the course of formulation? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Because rules have not been framed we are proceeding on the old basis of recruitment to District Board Engineering Service.”

DR. V. K. JOHN :—“ May I know, Sir, whether the words ‘very soon’ would imply days, months or years? ” (Laughter.)

THE HON. SRI M. BHAKTAVATSALAM :—“ It may mean anything, Sir.” (Laughter.)

Dearness allowance to Government pensioners.

* 15 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government pensioners who have retired from all grades of Government service are in receipt of dearness allowance and if so, what the rates of such allowance are;

(b) whether it is a fact that in 1948 a cut of 50 per cent was effected in the dearness allowance granted to pensioners;

(c) whether pension has always been considered by Government as deferred pay;

(d) whether the Government have received representations pointing out the inequity involved in paying lower scales of dearness allowance to pensioners; and

(e) whether the Government have at any time reviewed this matter and if so, what their decision is?

[15th November 1949]

THE HON. SRI B. GOPALA REDDI :—“ (a) Not all Government Pensioners are in receipt of dearness allowance. Only pensioners drawing pensions of less than Rs. 106 per mensem are in receipt of dearness allowance as shown below :—

	RS.
Pensions not exceeding Rs. 20	4 per mensem.
Pensions exceeding Rs. 20 but not exceeding Rs. 60 ..	5 per mensem.
Pensions exceeding Rs. 60 but not exceeding Rs. 100 ..	6 per mensem.

Persons in receipt of pensions exceeding Rs. 100 but not exceeding Rs. 106 per mensem are allowed such increase as will bring the total pension to Rs. 106 per mensem.

“ (b) The rates were reduced from 1st January 1948. With effect from 1st January 1948 the rates mentioned in clause (a) are in force. Prior to that date and during 1947 only, the rates of dearness allowance were as follows :—

Pensions of less than Rs. 40 per mensem	Rs. 8 per mensem.
Pensions of Rs. 40 and above but not exceeding Rs. 100 per mensem	Rs. 9 per mensem.

Persons in receipt of pensions exceeding Rs. 100 per mensem but not exceeding Rs. 109 per mensem were allowed such increase as will bring the total pension to Rs. 109 per mensem. Prior to 1st January 1947 also the rates mentioned in clause (a) were in force.

“ (c) No.

“ (d) Yes.

“ (e) Recently the Government reviewed the question but decided against enhancing the rates of dearness allowance.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, why in respect of officers still in service dearness allowance has been granted to all but in the case of pensioners alone, Sir, a limit of Rs. 106 has been fixed? ”

THE HON. SRI B. GOPALA REDDI :—“ The answer was clearly stated against 2 (c), viz., whether pension has always been considered by Government as deferred pay. The Government do not consider it so.”

SRI R. SURYANARAYANA RAO :—“ Is it a recent decision of the Government, Sir? ”

THE HON. SRI B. GOPALA REDDI :—“ It is a decision for all time to come.”

DR. V. K. JOHN :—“ I am of opinion that the pensioners deserve more dearness allowance on account of the rise in cost of living allowance.”

[15th November 1949]

THE HON. SRI B. GOPALA REDDI :—" I do not know. I cannot pay anything more."

JANAB K. T. M. AHAMED IBRAHIM :—" As the Dearness Allowance is intended to relieve the high cost of living, Sir, will the amount of Dearness Allowance given, in any way meet the high cost of living? "

THE HON. SRI B. GOPALA REDDI :—" Meet partly, Sir."

SRI R. SURYANARAYANA RAO :—" While the cost of living is rising so high, do the Government think it fit to cut down the dearness allowance of pensioners by 50 per cent? "

THE HON. SRI B. GOPALA REDDI :—" The reduction is not 50 per cent, nor is it on any percentage basis. Rs. 8 and 9 has dropped down to Rs. 4, 5 and 6. The reduction is not 50 per cent."

SRI R. SURYANARAYANA RAO :—" The cut was proposed in dearness allowance to pensioners at a time when the cost of living index was rising. I do not understand what was the necessity, Sir, for the pensioners alone to be treated in this manner while in respect of the persons working, however, it was proposed to increase the dearness allowance."

THE HON. SRI B. GOPALA REDDI :—" We find that in all Provinces this was adopted. There is no reason why Madras alone should give an enhanced rate of dearness allowance."

SRI R. SURYANARAYANA RAO :—" Is the Hon. Minister prepared to follow other provinces in 'all other' matters, especially in regard to pay and allowances? "

THE HON. SRI B. GOPALA REDDI :—" No Sir, only when it suits us."

SRI B. BHIMA RAO :—" Will the Government consider the desirability of guaranteeing reasonable amount of dearness allowance to these poor pensioners, Sir? "

THE HON. SRI B. GOPALA REDDI :—" Pensioners are poor indeed. But what about the position of the province after total prohibition? "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Were the hon. Members primarily responsible for this total prohibition policy being supported and whether this is the cause for the Government being in this unhappy position that they cannot give slightly enhanced dearness allowance? "

SRI B. BHIMA RAO :—" We are not responsible for the policy."

MR. PRESIDENT :—" The question is put to the Hon. Minister."

DR. V. K. JOHN :—" Do Government think now of revising the policy of prohibition, Sir? "

15th November 1949]

THE HON. SRI B. GOPALA REDDI :—" A separate question may be put, Sir."

SRI R. SURYANARAYANA RAO :—" May I appeal to the Hon. Finance Minister to restore the cut that was effected in 1948 in respect of pensioners."

THE HON. SRI B. GOPALA REDDI :—" Much as I sympathize with the poor pensioners drawing less than Rs. 106, the inability of the Government must be taken into consideration. The restoration of the cut would certainly amount to more than ten lakhs of rupees."

DR. V. K. JOHN :—" I would like the Hon. Minister to express his sympathy in rupees, annas and pies and not in words."

THE HON. SRI B. GOPALA REDDI :—" I would like, the Leader of the Opposition expresses sympathy to the Government on behalf of the people and the poor men in the street about whom he talks every time and persuade them to pay more taxes. Certainly then, I shall consider the proposal."

SRI R. SURYANARAYANA RAO :—" Is not the poor men paying all the taxes the Hon. the Finance Minister is imposing without grumbling; sales tax at every stage increased bus fares and all other taxes? "

THE HON. SRI B. GOPALA REDDI :—" No, Sir. I do not think that all the taxes that we are imposing are falling on the poor men."

Number of co-operative societies for house construction and the houses constructed by them.

* 16 Q.—SRI M. NARAYANA RAO : Will the Hon. the Minister for Prohibition be pleased to state—

(a) the number of co-operative societies for the construction of houses that have started work;

(b) the number of houses that are under construction;

(c) the number that have been completed by the end of May; and

(d) whether any scheme for rural areas has been introduced?

THE HON. SRI N. SANJEEVA REDDI :—" (a) Since July 1947, when the Government initiated a drive for organizing new housing schemes, seven co-operative house building societies, organized under the new scheme, have started construction of houses.

" (b) At the end of May 1949, 566 houses were under construction by the new as well as the old building societies.

" (c) The number of houses constructed by the new societies by the end of May 1949 is 94. Apart from this 461 houses were constructed by the old building societies during the period from 1st July 1946 to 31st May 1949.

" (d) No scheme for rural areas has so far been introduced."

[15th November 1949]

SRI M. NARAYANA RAO :—" Have the Government any scheme for rural areas? "

THE HON. SRI N. SANJEEVA REDDI :—" It is under consideration."

SRI M. NARAYANA RAO :—" For how long, Sir? "

THE HON. SRI N. SANJEEVA REDDI :—" For a few months, Sir."

SRI B. BHIMA RAO :—" Was there not a proposal of getting prefabricated houses and supplying them to each district centre so that they may have prefabricated houses at least in urban areas? "

THE HON. SRI N. SANJEEVA REDDI :—" Some time ago the Government of India asked us to take a few prefabricated houses but now they are not in a position to supply them. If they supply we shall take them."

DR. V. K. JOHN :—" During its term of office this Government has not been able to construct one hut or help in the construction of even a single hut."

THE HON. SRI N. SANJEEVA REDDI :—" This is done on a co-operative basis, with the co-operation of the Municipal Councils and other bodies."

DR. V. K. JOHN :—" I am asking whether the Government has done anything."

THE HON. SRI N. SANJEEVA REDDI :—" The co-operative societies are concerned with this scheme, Sir."

Separation of juvenile probation from adult probation.

* 17 Q.—MRS. M. N. CLUBWALA : Will the Hon. the Minister for Education be pleased to state—

(a) whether there is a proposal to separate juvenile probation from adult probation; and

(b) whether there will be any increase in the number of women Probation Officers?

THE HON. SRI K. MADHAVA MENON :—" (a) The consideration of the proposal made by the Madras Children Aid Society to separate Juvenile probation from Adult probation has been deferred pending a decision on the question of undertaking legislation on the lines of the new Children Bill prepared by Lieut.-Col. Ford Thomson.

" (b) There is no proposal to increase the number of Woman Probation Officers."

MRS. M. N. CLUBWALA :—" Is the Hon. Minister aware that since the Juvenile and Adult probation works together, the work is not so successful."

THE HON. SRI K. MADHAVA MENON :—" This Government is aware that the work is suffering as it has to be done

[15th November 1949]

by the same agency. There is necessity to increase the number of probation officers in the city. But the present conditions won't permit the increase."

SRI R. SURYANARAYANA RAO :—" Is it the question of cost or is it the question of necessity that was put first? "

THE HON. SRI K. MADHAVA MENON :—" There are many unfavourable conditions. It had not been practicable so far."

MRS. M. N. CLUBWALA :—" Is the Hon. Minister aware that the women probation officers' conveyance allowance is very inadequate? "

THE HON. SRI K. MADHAVA MENON :—" My recollection is that there has been recent increase in it. But I will look into the matter."

DR. V. K. JOHN :—" Are the Government aware of the desire ^{3 p.} both of men as well as women that the number of women probation officers should be increased? "

THE HON. SRI K. MADHAVA MENON :—" I do not see any reason why men also should not desire an increase in the number of women probation officers."

Availing of permission for the starting of industries.

* 18 Q.—SRI R. SURYANARAYANA RAO : " Will the Hon. the Minister for Industries be pleased to state—

(a) whether all or any of the concerns or persons authorized to start various industries in respect of which permission for capital issue and import of capital goods has been given, have availed of such permission;

(b) whether any time-limit was fixed before which this permission was to be availed of;

(c) whether the Government have considered the desirability of transferring these permits to others who are eager and competent to start these industries; and

(d) whether the Government propose to invite fresh applications before allotment is made?

THE HON. SRI C. PERUMALSWAMI REDDI :—" (a) Yes."

" (b) Yes."

" (c) Yes. where necessary."

" (d) whenever existing licences are cancelled new applicants are selected to start such concerns."

SRI R. SURYANARAYANA RAO :—" May I know how the selection is made? "

THE HON. SRI C. PERUMALSWAMI REDDI :—" The guiding consideration is the business and financial standing of the promoters and their capacity to start new industries."

[15th November 1949]

SRI R. SURYANARAYANA RAO :—“ Are the Government aware that persons who were granted permits satisfied all these considerations and if so, why are they still not able to bring the industries into existence? ”

THE HON. SRI C. PERUMALSWAMI REDDI :—“ When the permits were given all these things were taken into consideration. If they are not able to start the concerns, their licenses are cancelled and new applicants are selected.”

SRI B. BHIMA RAO :—“ May I know whether those who obtained licenses for spindles before March 1947 have got them and established the mills now? ”

THE HON. SRI C. PERUMALSWAMI REDDI :—“ A separate question may be put, Sir.”

Manufacture and distribution of cart tyres.

* 19 Q.—SRI M. NARAYANA RAO : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that there is incessant demand for cart tyres by the agriculturists;

(b) what arrangements are made to meet the said demand;

(c) whether the Central Government have been asked to arrange for the manufacture and supply of the said cart tyres on a large scale;

(d) whether the Government are now in a position to accept the offer of the Vijayavada Foundry for the supply of cart tyres;

(e) how the distribution of the cart tyres is made and who the distributing authority is;

(f) whether it is a fact that some districts and some villages in some districts receive preference at the hands of the officials concerned in the matter of distribution; and

(g) whether the Government are aware that there is a great deal of discontent among the poorer ryots that the distribution of the agricultural instruments or implements is not done fairly and equitably?

THE HON. SRI B. PARAMESWARAN :—“ (a) The answer is in the affirmative.

“ (b) A major portion of the Provincial agricultural quota of iron and steel is set apart for cart tyres and all available stocks of cart tyres are acquired by the Agricultural Department and distributed to ryots through the Agricultural Depots in the Province.

“ (c) The Government of India have been addressed in May 1949 for the supply of 15,000 tons of iron and steel per quarter for agricultural purposes or in the alternative to make a special allotment of 20,000 tons of cart tyres for this Province for the period from 1st April 1949 to 31st March 1950. The matter is still engaging their attention.

15th November 1949]

“ (d) The offer could not be accepted as the Government of India would not allow the firm to reroll scrap iron and the fixing of higher prices for the rerolled flats.

“ (e) The distribution of cart tyres is at present made at the Agricultural Depots by the Agricultural Demonstrators on the recommendations of the village munsifs or the officers of the Revenue Department not lower in rank than a Revenue Inspector. In cases where applications are received direct by the Agricultural Demonstrators, without such recommendation, the Demonstrators inspect the carts and issue cart tyres to ryots. The distributing authority for cart tyres is the Agricultural Demonstrator of the taluk.

“ (f) The answer is in the negative. The available quota is equitably distributed to the various districts. The indents for the quotas although prepared on a rational basis are not complied with in full by the Government of India and the stockists do not generally get all the categories planned for. In some districts more cart tyre materials are received sometimes than in others. No preference is given to any district or village.

“ (g) The discontent referred to is not due to unequal or unfair distribution but due to the limited supplies against overwhelming demands.”

SRI M. NARAYANA RAO :—“ May I know whether the Director or the Joint Director of Agriculture interferes in the distribution of these iron materials? ”

THE HON. SRI B. PARAMESWARAN :—“ Normally he does not interfere unless some defects are brought to his notice.”

SRI M. NARAYANA RAO :—“ May I know whether he recommends supply of these materials to certain persons although the distributing authority is the agricultural officer of the district? ”

THE HON. SRI B. PARAMESWARAN :—“ I have just now said that unless specific cases of mismanagement are brought to his notice, he generally does not interfere.”

SRI N. VENKATACHALAMAJI :—“ May I know whether some of the merchants have been importing from Bengal to Madras by rail? ”

THE HON. SRI B. PARAMESWARAN :—“ The Government have no information, Sir.”

SRI N. VENKATACHALAMAJI :—“ Is there any control of these things in Bengal, Sir? ”

THE HON. SRI B. PARAMESWARAN :—“ Notice, Sir.”

SRI A. GOVINDACHARYULU :—“ Are the Government aware, Sir, that a person got 150 cart tyres in West Godavari? ”

[15th November 1949]

THE HON. SRI B. PARAMESWARAN :—" The Government have no information."

SRI A. GOVINDACHARYULU :—" Did not a member of this House Sri M. Narayana Rao write about this to the Government and are not the Government aware of it? "

THE HON. SRI B. PARAMESWARAN :—" I will look into the matter, Sir."

SRI A. GOVINDACHARYULU :—" At first 150 cart tyres were sanctioned to one Narahara Setti Veeraraghavulu. My hon. Friend Mr. M. Narayana Rao protested to the Government about this. In spite of his protest a further consignment of 75 cart tyres has been granted to him. They are now in the office of the District Agricultural Officer for delivery. I do not know what the Government are going to do about this."

MR. PRESIDENT :—" It is a piece of information."

SRI A. GOVINDACHARYULU :—" Are not the Government aware of these things and what has become of the protest of Mr. Mothey Narayana Rao? "

MR. PRESIDENT :—" I should like the hon. Member to make it clear whether these tyres are for Narahara Setti himself or for being handed over to various other people."

SRI M. NARAYANA RAO :—" I can give the information, Sir. One Narahara Setti Veeraraghavulu somehow or other managed to get 150 cart tyres under the names of different persons. I protested against it. He was not dealing in the matter honestly. I protested to the Agricultural Officer of the district and he withheld the supply for some time. Thereupon this Narahara Setti Veeraraghavulu came to me and said, 'I have spent about Rupees 4,000 to get this supply. I went to Madras three times. I engaged a lawyer. I have got these 150 cart tyres with great difficulty. It is not proper for you now to stand in the way.' But still I wrote to the Government about this. I learnt just before I started for Madras, that another consignment of 75 tyres were to be given to him for distribution to the various ryots. I know definitely that they do not reach the persons for whom they are intended."

THE HON. SRI B. PARAMESWARAN :—" My hon. Friend says that they were intended for distribution to so many persons and not to one particular individual. If he puts a separate question about it, I will look into the matter."

DR. V. K. JOHN :—" May I ask whether the Government have no machinery to collect information on matters like this? "

THE HON. SRI B. PARAMESWARAN :—" Only when hon. Members want any information, the Government will collect information, and that too whenever it is ..."

15th November 1949]

Decontrol of procurement and prices of groundnut oil cake.

* 20 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the de-control of procurement and prices of groundnut oil cake has been ordered;

(b) whether it is a fact that, after de-control, there has been abnormal rise in the price of the cake and what the zonal prices are;

(c) whether it is a fact that some restrictions are still imposed on the free movement of the groundnut oil cake;

(d) whether the control of movements has also contributed to increase in the price of oil cake; and

(e) whether the Government have reviewed the whole position so that oil cake may be made easily available to agriculturists at reasonable rates?

THE HON. SRI B. PARAMESWARAN :—" (a) The de-control was ordered with effect from 15th January 1949.

" (b) There has been a rise in prices only at certain centres. The prices are published every fortnight in the Statistical supplement to the *Fort St. George Gazette*.

" (c) It is a fact that movements are regulated. The attention of the Honourable Member is invited to the Press Note issued by the Government on the subject on 30th May 1949. A copy of the Press Note ^a is placed on the table of the House.

" (d) The answer is in the negative.

" (e) The matter is under consideration."

SRI R. SURYANARAYANA RAO :—" May I know the causes which have contributed to the increase in the prices of oil cake, if it is not the control of movement? "

THE HON. SRI B. PARAMESWARAN :—" There were certain irregularities on the part of the mills. In order to regulate the whole thing, de-control has been resorted to."

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—CONDOLENCE RESOLUTION.

MR. PRESIDENT :—" This is usually taken as the first item of the day. Evidently the hon. Member is not aware of it. As a special case, I allow it now."

* JANAB ABDUL LATIF FAROOKHI :—" Mr. President, I beg to move the following resolution :—

this Council places on record its deep sense of sorrow at the demise of Moulvi Syed Murtuza Sahib who was a Member of the Madras Legislative Council and the Central Legis-

[Janab Abdul Latif Farookhi] [15th November 1949]

lative Assembly and requests the Hon. the President to convey its sympathies to the members of the bereaved family.

" I do not think, Sir, that anybody in this House or the province knows Moulvi Syed Murtuza Sahib more than the Hon. the Leader of the House Dr. T. S. S. Rajan who comes from the same district. Moulvi Syed Murtuza Sahib was perhaps the oldest political leader of our province. He lived up to 100 years. He was a member of the Madras Legislative Council from 1910 to 1913. He was a member of the Central Legislative Assembly for a quarter of a century. He worked for the uplift of the poor people in the south. He did much work in the cause of education. He was called the Sir Syed Ahmed Khan of South India. He was a great nationalist till his death. His views of course were not liked by some people. He was a gentleman and he was always consistent in his views. He had always felt that there should be unity among the different communities in the province. He did much towards the cause of Hindu-Muslim unity. In his death, this province has lost a great leader. He was admired not only by people in the south but also by the great national leaders of north India. He was a member of the Swaraj Party under the Leadership of Pandit Motilal Nehru. It is necessary that when such a great man dies, this House should place on record its sympathy with the bereaved family and communicate the same to the members of the family. As we have got much work to do, I do not want to say anything more on this occasion. I feel, Sir, that a resolution of this kind is necessary and I request you, Sir, to allow me to move the resolution. I move the resolution :—

' this Council places on record its deep sense of sorrow at the demise of Moulvi Syed Murtuza Sahib who was a member of the Madras Legislative Council and the Central Legislative Assembly and requests the Hon. President to convey its sympathies to the members of the bereaved family.' "

* JANAB K. UPPI :—" Mr. President, I wholeheartedly associate myself with the resolution. I was a colleague of the late Moulvi Syed Murtuza for four years in the Central Assembly. Long before that, he roused the Muslims of the Province during 1920. It was he who along with Sri C. Rajagopalachari, the present Governor-General and the present Leader of the House Dr. Rajan, toured throughout the province and roused the people during the Rowlat Act agitation days. For four years we were together in the Assembly. We were also staying together.

2-15 p.m. " Sir, he was a man by himself; I should say by habits, he was a saint. He was not a politician, but he was a saint. He was a very learned man; not only that; he practised Islam. He always used to be surrounded by poor orphans; he always had half a dozen orphans around him; he was feeding them and looking after their education. You can understand how very charitable he was, how very helpful he was, if I mention an incident. While we were in Delhi, he came to visit a friend; he came into the room of the

15th November 1949] [Janab K. Uppl]

friend, a Member of the Legislative Assembly, and I too was there. As soon as he came in, the other gentleman humorously said: ' I think I will have to pay a few chips for the hon. Murtuza's visit.' Then he laughed, and I asked him why. He said that whenever Hazrat came in, there were half a dozen or at least one or two orphans by his side and he would have to give a few chips. That was the way he was doing service. All the money he was getting, he was spending on feeding them, giving them toffees, and on educating them. He used to go about begging to help poor children. He was a staunch nationalist. At the same time, Sir, he was an educationist. He was one of the few who were educated in English in his days. Not only that; he did not stop there; he started schools for educating others. Many young men in this presidency owe their education to him and owe their position to him—that was the man. He was a saint, he was a sage, he was a politician and he was also a very all-round man. Sir, we have lost him; the only consolation is, he has lived to a ripe old age to give us his advice. May God bless that his soul shall rest in peace. Sir, I associate myself with this resolution."

DR. V. K. JOHN :—" Sir, I rise to associate myself with this resolution; I heartily give it my support."

THE HON. DR. T. S. S. RAJAN :—" Sir, as the Leader of this House, I associate myself with the resolution that has been moved and seconded in the House. Coming from Trichinopoly as I do, I cannot but speak about the departed gentleman and say a few words about what I know of him. Compared in years, he was much older than I am; he lived a hundred years, which no man has lived in this province, particularly in the south. But more than his age, his capacity for service was unbounded. He was born a poor man, but he was a Moulvi right through. He spent all his hours in the mosque mostly; in fact the mosque was his place of residence; and whenever we found him not in his house, we used to rush to the mosque since we were sure we would find him there. He was with me in the Indian Legislative Assembly when the Congress made up its mind to contest the elections. Of the representatives who went from the south, from our province, he, our Premier, myself and the late Sri C. N. Muthuranga Mudaliyar were colleagues—we all represented this province in the Indian Legislative Assembly. Moulvi Murtuza Sahib was a very very pleasant man. I do not think he ever got a temper or got angry with any one. He was a clean sober person, was thoughtful and careful about what he said and what he spoke. He was, as has been expressed ably, not only a mere nationalist by word of mouth, but by feeling he was a thorough nationalist. He lived through the stormy days when there was only strife in our country and the question of Hindu-Muslim tension loomed very large in public eyes, but it must be said to his credit that he kept an even temper, and whenever he gave the weight of his support, it was always for a just cause. Trichinopoly being a fairly substantial Muslim centre, it was due to his influence

[Dr. T. S. S. Rajan] [15th November 1949]

and to his presence in public life there that there was not much of a strife between Hindus and Muslims in that town. He was immensely popular and there was not one who could stand against him in any election. He was in the Municipal Council, he was in the local Legislative Council, he was in the Imperial Assembly. In all those contests, he was unique and supreme, and nobody dared contest his candidature. In fact, he took part in almost every public movement worthy of the name in Trichinopoly. I cannot forget his wholehearted sympathies under Gandhiji's leadership, with the Khilafat movement in those days. Four of us toured South India in those days on behalf of the Swaraj party for the Khilafat movement. Moulvi Murtuza Sahib was the first to join us. He kept us company right throughout the tour and in spite of indifferent health he would not budge an inch from the task he had undertaken. He was a man of few wants, had determined courage and was of strong conviction; he stood four-square against all winds of opposition that blew against him. His poverty did not affect his public career and in fact it is not too much to say that he was loved by all, Hindu and Muslim alike, in Trichinopoly. I know he took to travelling many miles a day during the hot sun and in all conditions of weather; and with indifferent health, he went right through the tour, a very strenuous one in which younger men than he felt weak and tired; he won't complain and went right through, all on account of the devotion and the love he had for India and the land he was born in. He was really a very loveable man in private life. Nobody went to him and got a refusal of anything he could possibly give or do. No doubt he might have been more powerful and more influential if he only cared to; but the path of rectitude and morals always got him love from friends and politicians, who knew him as one who never wanted personal aggrandisement. He was very much interested in Muslim education and in Trichinopoly he was looked up to by all Muslims for the support he ably gave them. With Hindus he was equally popular in Trichinopoly and that is exactly the place of all places I knew—and Syed Murtuza Sahib was respected there by all people alike. His career and life are worthy of emulation, and I am sorry that although he had lived a full hundred years, he has not lived longer still to carry on that beneficial influence which he wielded over all the people in Trichinopoly. Therefore, Sir, personally I associate myself with the feelings of his family and of his people who have lost tremendously in him; and as the Leader of this House also, I associate myself entirely with the sentiments expressed by my friends. I also hope this will be conveyed to his family."

MR. PRESIDENT :—" Though I am not personally acquainted with the person whose death we are discussing at present, from what I have heard of him, it seems clear that the country has lost a great man and society a good servant. I heartily associate myself with the sentiments expressed here, and I request the House to stand and pass the resolution."

The resolution was put and passed, the House standing.

[15th November 1949]

III.—MESSAGE FROM THE GOVERNOR.

MR. PRESIDENT :—" I have to announce to the House the following messages received from His Excellency the Governor of Madras, dated 12th November 1949 :—

' In pursuance of section 82, sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Maintenance of Public Order Bill, 1949.

' In pursuance of section 299, sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby accord my previous sanction for the introduction of the Madras Maintenance of Public Order Bill, 1949, in the Madras Legislative Council.

' In pursuance of section 299, sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby accord my previous sanction for the introduction of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, in the Madras Legislative Council.

' In pursuance of section 82, sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council, the consideration of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949."

IV.—SUPPLEMENTARY STATEMENTS OF EXPENDITURE FOR THE YEAR 1949-50.

THE HON. SRI B. GOPALA REDDI :—" I present, Sir, the Demands for Grants for further expenditure and the Detailed Supplementary Estimates thereof for the year 1949-50.

" As stated in the introductory Memorandum to the Supplementary statement, the demands are all for token sums in respect of all schemes which are treated as new service and which have been sanctioned or approved by the Government during this year till about the middle of October last. This includes grow-more-food schemes sanctioned against the lump sum provision already made in the budget. I do not propose to go through the details of the demands at present. Necessary information will be found in the detailed supplementary estimates laid on the Table of the House."

MR. PRESIDENT :—" The discussion on these will be taken up on the 21st of this month. We will now proceed with the debate on the cyclone havoc."

V.—DISCUSSION RE BUSINESS OF THE HOUSE.

SRI M. NARAYANA RAO :—" I was telling the difficulties experienced in the procurement of paddy"

3-30
p.m.

[15th November 1949]

MR. PRESIDENT :—" I wish to inform the House that after this, we have got two Bills, one is the Maintenance of Public Order Bill and the other the Essential Articles Control and Requisitioning (Temporary powers) Bill. As at present arranged, we are scheduled to meet on the 17th and the 18th but a suggestion has come to me that the 18th may be given to the other House. I wish to ask the House whether it will be possible for this House to finish both the Bills on the 17th and in that connexion, to enquire hon. Members how many are likely to take part in the discussions."

SRI B. BHIMA RAO :—" Mr. President, I request you to give us the 17th and the 18th, two full days for the discussion of the Bills."

MR. PRESIDENT :—" The present position is that the other House has not sent us any other Bills so that except for these two, there is no more work for us for these two days. So, I would like to know how many members are likely to take part in the discussion of these two Bills."

THE HON. DR. T. S. S. RAJAN :—" I just want to remind you, Sir, that there are a few more Ordinance Bills . . ."

MR. PRESIDENT :—" But the other House has not passed them yet."

THE HON. DR. T. S. S. RAJAN :—" But they will be passed in the next two or three days and before this House adjourns, we must pass them so as to give legal sanctions to them and I want that to be considered."

MR. PRESIDENT :—" And for that, what is your suggestion."

THE HON. DR. T. S. S. RAJAN :—" As soon as it is passed there, it will have to be taken up."

MR. PRESIDENT :—" Now what about the 18th? I received a request from Mr. Varma that the 18th may be given over to the Assembly. But as at present arranged, we have two Bills to finish within two days, namely, the 17th and the 18th. I want to know from the Leader of the other House, when those other Bills are likely to come up there."

THE HON. SRI B. GOPALA REDDI :—" I am unable to say just now when they are likely to be concluded there. We can take up a decision about the 18th on the 17th."

MR. PRESIDENT :—" The difficulty is that the other House is sitting to-morrow and the Speaker has to announce when it is going to meet again; if it is to meet on the 18th, he will have to announce to-morrow and we have to decide about it now to enable him to make the announcement. The Hon. Minister knows we are not meeting to-morrow."

THE HON. SRI B. GOPALA REDDI :—" If it is the wish of the House that it wants two days, I think we can accommodate and have the Assembly on the following day."

[15th November 1949]

MR. PRESIDENT :—" That is why I want to take the opinion of the House whether it wants 18th or not."

DR. V. K. JOHN :—" These two Bills, Mr. President, are very important Bills and the time taken by hon. Members necessarily, having regard to the importance, is bound to be long. It may not be possible now to say that this could be over in one day. I think, Sir, that these two important Bills will take two full days. I suggest, Sir, that if the other House requires the 18th we may not sit on the 18th but we might sit later on. We would finish those Bills as early as we can."

MR. PRESIDENT :—" If the other Ordinance Bills are also disposed of in the other House on the 16th and sent on to this House, they will also be available for discussion by this House on the 18th."

THE HON. SRI K. MADHAVA MENON :—" To-morrow until lunch time the Assembly is having the cyclone . . ."

MR. PRESIDENT :—" The discussions will not go cyclonic, I believe." (Laughter.)

THE HON. SRI K. MADHAVA MENON :—" And after lunch, there are three or four Bills to regularize Ordinances and they have to be passed into law. I do not think they could be finished within half a day. The Rent Control Bill if taken up, is likely to take a full day, as there is likely to be a general discussion on the working of the provisions of the Act and it will not be possible to finish it to-morrow. After that, the only day on which it could be done is the 18th, as this House meets on the 17th."

DR. V. K. JOHN :—" As it is, Sir, it is possible for us to take the 18th."

MR. PRESIDENT :—" I think if it is needed, we can take the 18th here."

SRI S. B. ADITYAN :—" Are we having the 18th, Sir? "

MR. PRESIDENT :—" Yes."

SRI M. NARAYANA RAO :—" I was narrating to you, Sir, about the difficulties in the distribution of food for the victims of the cyclone havoc. Without exaggeration, I may tell you that there was one dead and there were several casualties in the struggle for obtaining rice."

MR. PRESIDENT :—" I would like to meet the Hon. Leaders of both Houses and the Chief Whip and discuss with them the programme of legislation for this month. Shall it be after we rise, or to-morrow? "

THE HON. SRI B. GOPALA REDDI :—" The Government Whip is engaged . . ."

MR. PRESIDENT :—" So, to-morrow morning before you go to the other House, we will discuss the programme. Is that agreed? "

THE HON. SRI B. GOPALA REDDI :—" Yes, Sir."

[15th November 1949]

VI.—DEBATE ON THE DAMAGES BY CYCLONE IN ANDHRA DISTRICTS—*cont.*

* SRI M. NARAYANA RAO :—“ I was telling you, Sir, that there was one death and some casualties in the struggle for rice. As usual, wisdom dawns rather late on Government officials and the next day of course, they took Police help in the distribution of rice. The prices of rice and other foodstuffs have gone up abnormally and the after-storm prices are nearly double the pre-storm prices. Chillies are selling at Rs. 5-8-0 per viss, tamarind Rs. 1-12-0 per viss, jagger Rs. 2-4-0 a viss and sugar from Rs. 3 to Rs. 4 a viss. The Hon. the Revenue Minister was telling us yesterday that the Government are taking steps to see that the prices of foodstuffs do not go up. There are stocks available with merchants and they have put up the prices taking advantage of the present position in the districts. I wish to know what the Government have done to see that the stocks available with the merchants are distributed fairly. Could not the Collectors be authorized, if necessary, to seize them and make them available to the people at reasonable prices? The prices are anything between six to eight times the pre-war price and twice the pre-storm price. People are much in distress and they have no money with which to buy their necessities. The cyclone has caused unprecedented havoc. The Government servants of course are trying to do something and it is not tangible. At least, the price of foodstuffs could have been controlled and they should be made available to peasants and labourers. (At this stage, the Deputy President occupied the Chair.) There is some defect in the present machinery; it is not moving as fast as we would wish it to move; it is the same old machinery; the system is the same old system but only it is now called the popular Government. The people who are working the machinery are the same old people with this difference that they are a little more indifferent, a little more callous and extremely corrupt. That is the only difference I find about the Government officials. I would like to suggest to the members of the Cabinet that they tour all these districts to see what the Government officials are doing; I do not want them to go round and see the nature and extent of the havoc caused by the cyclone but to see how the relief measures are being implemented and how the Government servants are taking steps to see that the inflation in the matter of prices of foodstuffs is checked and how supplies are made available to the people. Until now, not one Minister—not one of the popular Ministers—has cared to go round and see these things though they find time to open cinema houses, coffee hotels and all that when such a great calamity has occurred. I do not want to offend anybody but that is on the lips of every being and I think it is my duty to bring it to the notice of the House. They may say that they are busy with the sessions. It is because Government officials are not paying prompt attention to relief measures that I want the Ministers to go to these parts and sit tight over them and see that proper relief measures are undertaken as early as possible. I believe Government will rise to the occasion and see that they do not make vain promises and indefinite promises but act quickly and promptly. The havoc affected four districts and unfortunately there is not one Minister representing those districts in the Cabinet. If there had been one Minister in the Cabinet, perhaps things would have been different.

[15th November 1949] [Sri M. Narayana Rao]

I appeal to the Hon. Premier and the Cabinet as a whole to see that proper redress is given to those four districts as early as possible even if it means that the present session is adjourned for the present; we might meet some time later to go through the business. It is our duty to attend to the needs of the people affected so very badly; it is more urgent than trying to regularize Ordinances by means of regular Bills. Even after the advent of Independence, rule by Ordinance has become a routine matter and we can just use the Ordinances for some time longer and there will be nothing lost. I would impress upon the Government that their duty is to stand by their people when their homesteads are gone, their crops damaged and the cattle destroyed by this cyclone. I hope they will at least now realise what it will mean to the ryots if they speak some words of consolation and sympathy. This will go a long way to relieve suffering. Remissions should be very liberally given. We have no seeds for the second crop and it must be brought from somewhere either from the north or Nellore and it must be given before the end of this month. The Agriculture Department should be alert to see that seed is distributed at once either by themselves or through private agencies. Tanks and canals have been damaged and some of them are in Zamindari areas. They must also be repaired immediately. Then, Sir, there should be free distribution of cloth and building materials. Water for second crop should be liberally given to areas affected by cyclone. Such areas should have a preference over others.

“ Then, Sir, there is one other subject. There are several lessees who have lost all their crop. They should be given protection against the lessors. Otherwise the lessors would ask them to measure the lease amount, and demand their pound of flesh. At present there is nothing to protect them against this. In Narasapur taluk the fishermen have lost their boats and nets too. They have all been washed away. There is not even one boat now there. It is an unprecedented cyclone we had there. In times past we have heard of tidal wave submerging Masulipatnam. The recent tidal wave has gone inland in Narasapur, Amalapuram and other coastal places and destroyed the boats and nets of the fishermen. The nets would be costing Rs. 200 to Rs. 300 each. These fishermen have nothing to fall back upon to earn their livelihood and they have no money to purchase either boats or nets. So the money necessary for that should be advanced to them. If Government do not take proper measures at the proper time, I warn them, they would make the country a seed bed for Communists. Already there have been two riots in two or three districts. In a village called Kavali, four miles from Elluru, the poor people gathered together and wanted the ryots to give them rice at the rate of three seers per acre. To this the ryots would not agree. Then they demanded that at least one measure of rice should be sold at twelve-annas from every influential ryot. Somehow or other the ryots would not agree to this also. Then what happened? That night there was a riot, and paddy amounting to forty or fifty bags was taken away. And I hear the Police came on the scene next morning, seized the whole stock and gave the same back to the dispossessed ryots. In

3-45
p.m.

[Sri M. Narayana Rao] [15th November 1949]

such things, when the intention of the people is not bad, Government ought to be lenient towards them. There were two or three cases like that, where people went and took the stock of grains forcibly. I would like to bring to the notice of Government that it was only out of pressing need they did so, or rather to satisfy their hunger. So Government should not be very strict in dealing with them.

"Then, Sir, I must tell one other thing. In spite of all this havoc we expect that before the year is over we would be able still to supply to other districts a lakh of tons of rice. So Government should take care to see that proper arrangements are made at proper time. Here I would heartily associate myself with the remarks of the Leader of the Opposition made yesterday, namely, that a very influential committee should be formed to make collections of relief from all over the Province. I appeal to the people of our Province to come forward, and true to their salt, contribute liberally to the relief fund, as suggested by the Leader of the Opposition. I thank you, Sir, for giving me an opportunity to speak on this motion."

* SRI N. VENKATACHALAMAJI :—అధ్యక్షా, మా విశాఖపట్నం జిల్లాలో తుపానువల్ల ఎంత నష్టం కలిగిందో మా జిల్లానుంచి వచ్చిన మెంబర్లు నిన్నటి రోజుకే చెప్పేయన్నారు. మా జిల్లాలో ఉన్న 20 తాలూకాల్లో పాతపట్నం, పాలకొండ, అనకాపల్లి తాలూకాలు మాడు మాత్రమే surplus తాలూకాలు, మిగతావన్నీ తరుగు తాలూకాలు. జిల్లాలో చాలా భాగము మట్టి ప్రాంతము. పాతపట్నం తాలూకాలో సకాలంలో వర్షాలులేక వంటలు లేకపోతే మాగాణి ప్రాంతాలు ఈ తుపానువల్ల అవశిష్టమైన నష్టం జరిగింది. అనకాపల్లి పట్టణంలో Sub-Treasury లోని ముహూరు లక్ష యిరువది అయిదువేల రూపాయలు విలవగల కరెన్సీ నోట్లు కొన్ని పోను, నష్టమందు ఎక్కడ నున్నవో తెలుసుకోడానికి మాడ వీలులేకుండా కారదానది గొంగడంవల్ల కొట్టుకోపోయినట్లు తెలియవచ్చినది. అనకాపల్లి పట్టణం అంతా నీటి మయమై పోయింది. అనేక యిండ్లు కూలిపోయినాయి. ఇదే విధముగ ఉత్తర విశాఖ జిల్లాలో ఉన్న శ్రీకాకుళం మొదలగు పట్టణాలన్ని మాడ ముడిపోయినాయి. ప్రజలకు, వంటలకు, పశువులకు కలిగిన నష్టం చాలా భవ్యమి. వరివంటి పూర్తిగా పాడైపోయింది. అసలే మా జిల్లా debarment జిల్లా. ఈసారి గోడు 4 తుపానుతో ఉన్న వరివంటి కాష తుడుచుకోపోయింది. ఇదివరలో మా ప్రక్కనన్న మార్పు గోదావరి జిల్లానుంచి బియ్యము తప్పించి ప్రభుత్వంవారు మాకు సరఫరాచేయిస్తూ ఉండే వాళ్ళు. ఇప్పుడు గోదావరి జిల్లానుండి సరఫరా తిన్నాయి. ఇటువంటి పరిస్థితులలో వచ్చే సంవత్సరం మా జిల్లాలో కాటకం వచ్చునని మాడ అనుకుంటున్నారు. మా జిల్లాలో వెమియరుగారు ఆంధ్రరాజ్యాల తిరగ పోవడంవల్ల అనుకున్నంత నష్టం రాజాగారికి తెలియక పోవచ్చును."

THE HON. SRI P. S. KUMARASWAMY RAJA:—“మీ జిల్లాలో అందరు రాజలే.”

SRI N. VENKATACHALAMAJI :—“నా ప్రధాన మంత్రిగారి పూర్వము మాడ రెండు వందల సంవత్సరాల క్రితము మా విశాఖపట్నము జిల్లావారే. ఈ రెండు

[Sri N. Venkatachalamaji] [15th November 1949]

వందల సంవత్సరముల నుంచి వారి వంతెన వారు దక్షిణ దేశములో ఉంటున్నారు. ఆంధ్ర రాష్ట్రము వచ్చిన తరువాత వారు తిరిగి మా జిల్లాకు వస్తారని అనుకుంటున్నాను.”

SRI A. GOVINDACHARYULU :—“వారు వారు.”

SRI N. VENKATACHALAMAJI :—“వారు రావాలనే మేము కోరుకుంటాము. ఈ తుపానువల్ల వంటలకే కాకుండా పూరి ఇండ్లకు చాలా దండగ కలిగింది. కూలి చేసుకొనే ప్రజలకు ఇప్పుడు నిలవటానికి నీడలేదు. తుపాను వాధితులకు సహాయంచేసే నిమిత్తం గవర్నమెంటువారు రూ. 75,000 లు సాంక్షికావేసినా మని చెప్పివారు. ఈ రూ. 75,000 లు చాలా తక్కువ. ఒక గ్రామంలోనే ఇంత దండగ జరిగి ఉంటుంది. ఏమైనప్పటికీ మీ ప్రజలకు సహాయం చేయడం గవర్నమెంటు వారి ధర్మం. ముఖ్యంగా గవర్నమెంటువారు ఇచ్చిన డబ్బు సరిగ్గా ప్రజలకు అందేట్లు చూడాలి. లోగడ 1945 సంవత్సరంలో తుపాను వచ్చి ఇండ్లు పోయినవారికి ఒక్కొక్క ఇంటికి రూ. 5 లు బొప్పన sanction చేసినారు. అప్పుడు ఈ రూ. 5 లూ రూ. 4 మాత్రమే ఒక్కొక్కసారి దక్కింది. మిగతా రూ. 1 విలేజ్ కరణం, మునము ఇతర ఉద్యోగులకు పోయింది. ఇప్పుడు మాడ అదేవిధంగా తరక్కుండా చూడడం చాల అత్యవసరం. ఇటువంటి అన్యాయాలు జరుగకుండా చూడటానికిగాను ఈ డబ్బు వంచినట్టై ఆఫీసర్లతో కొంత non-officials ను కూడ చేర్చినట్లయితే చానుంబందని నా అభిప్రాయం. అప్పుడు వంతెనం సక్రమంగా నిజముగా నష్టము కలిగిన వాళ్ళకు జరుగుతుంది. ఈ తుపానువల్ల వరివంటికు ఎక్కువ నష్టం కలిగి వంటి పాడై పోయింది కాబట్టి ఈ ప్రాంతాలలో procurement లేకుండా చేయడం చాలా ముచిది. అంతే కాకుండా సరిసమైన ధాన్య కూడ నిర్లయించి ఆ ధరల ప్రకారము ప్రజలకు బియ్యం దొరికే విధానము చేయించగోరుతాను. అంతే కాకుండా ఎవరైన స్వంత ఉపయోగార్థము తిండి లేని ఈ రోజులలో 4, 5, 6 నేళ్ల కొద్దిపాటి బియ్యాన్ని తీసుకొని పోతుంటే, వాళ్ళను అధికారులు పట్టుకొని శిక్షించకుండా చూడడం చాలా అవసరం. ఇటువంటి నియమం చేస్తే పాముకే జనానికి కొద్దిగా తిండి తోడుతుంది లేక గోయినట్లయితే వాళ్ళ ప్రభుత్వంవారు ఇవ్వవలసే 6 టన్నుల 8 టన్నుల ration మీద జీవించడం దుర్లభము. కాబట్టి ఎవరైన వారి స్వంత ఉపయోగార్థము నేర్పరులవద్దగాని బంధువులవద్దగాని బియ్యం తెచ్చుకుంటే వాళ్ళను శిక్షించ పానుకోవద్దని నా కోరిక.

“మా విశాఖపట్నం జిల్లాలో చాలా భాగం జమీందారీ ప్రాంతమైయున్నది. జమీందారీలను రద్దుచేసిన తరువాత ప్రభుత్వంవారు బొబ్బిలి, విజయనగరం జమీందారీలను రెండింటిని మాత్రమే స్వాధీనం చేసుకొనినారు. ఇంకా అనేక చిన్న జమీందారీలు ఉన్నాయి. వాటిని కూడ వేంటినే స్వాధీనం చేసుకొని ఆ జమీందారీ ప్రాంతాలలో యంతే తెగువులను, కాలువలను కంటనే మరమ్మతు చేసినట్లయితే, వచ్చే సంవత్సరం రాత్రిన రైతులు వ్యవసాయం చేసుకోడానికి ఏలుగా ఉంటుందని మనవి చేస్తున్నాను.”

[Sri M. Bhaktavatsalam] [15th November 1949]
floods which took a heavy toll of life and property in the Circars. It is desirable, that on such occasions, hon. Members should focus attention on the gravity of the calamity, so that avoidable shortcomings in the administration of departments charged with flood protection and irrigation, are brought to light and corrected. In order to assess how far these departments and the Government are responsible for the recent havoc, hon. Members should examine the map showing the location of our irrigation tanks in the uplands above the Delta. All the tanks in a basin or valley lie interconnected, the surplus of the higher tank supplementing the supply of the lower tank. Some of these basins or valleys contain over 100 tanks, the surplus of the last tank of the basin emptying its surplus into a river or stream. If we get a heavy spell of rain when these tanks are lying empty, no great damage is done, because the water is held up in all these tanks and very little is left over after filling the last tank. But if at a time when all the tanks are full, another heavy spell of rain follows, the entire rain-waters will have to find their way to the sea, because the tanks can hold up no more. If during that period one of the upper tanks breaches, the storage in that tank gushes forth and swells the next lower tank in a few hours, overflows its surplus weirs and bunds and causes breaches in the lower tank. This process is repeated in the succeeding lower tanks also and the flood waters gather size and momentum like an avalanche. This is an unavoidable feature in our minor irrigation systems and we have taken the consequences of this feature during cyclones all through the centuries. In the September floods, we had over 9 inches of rain in the uplands of Krishna and Guntur and all the irrigation tanks were full. Within four weeks of this, came the present cyclone with 13 inches of rain in 36 hours. The tanks were already full and had no reserve capacity. The heavy gale reaching 80 miles per hour, set up wave action which ripped up the bunds and caused breaches in the upper tanks. When once the upper tanks started breaching, it was a question of a few hours before lower tanks breached in large numbers releasing heavy floods. It is not only the rain waters of the present cyclone that came down, but also the waters stored up in the tanks during the earlier September rains.

"In the taluks of Nuzvid and Tiruvor alone there are about 650 Zamin tanks of which no less than 300 have breached. If these Zamin tanks had been well-maintained ones, perhaps the number of breaches would have been small; but even well-maintained tanks are not proof against abnormal weather conditions of this kind. Cyclones in the past may not have done this much of damage, but that was because the tanks were not lying so full as on this occasion when the cyclone commenced. In assessing responsibility, hon. Members should not forget that damage of this kind is an unavoidable evil of the system in which our tanks lie one below the other in a chain.

"I do appreciate the necessity of harnessing up the Budameru in its upper reaches so that the intensity of floods may be moderated. Actually a reservoir has been investigated with a capacity of about 1,500 M.C. feet capable of irrigating about 10,000 acres at a cost,

15th November 1949] [Sri M. Bhaktavatsalam]

on present day rates, of about one crore of Rupees. The difficulty with this project is that it would submerge about 2,400 acres of existing cultivation including valuable wet lands. The bulk of the ayacut will also be covered by the Ramapadasagar, when that project materialises. These were the reasons, and they are indeed good reasons, why we have not taken up this scheme so far. But hon. Members should not gain the impression that if this scheme had been completed, it would have arrested the present floods. The Budameru has a catchment of 700 square miles before it enters the Collair Lake. At the proposed reservoir site it has a catchment of only 200 square miles. Even this proposed reservoir would have been full by the September rains, and so it would have had little value as a flood-moderator in the present cyclone. About 30,000 M.C. feet of water passed through the Budameru during this cyclone. A reservoir of 1,500 M.C. feet could have held up only one-twentieth of that water. Again the Collair Lake has a catchment of 2,000 square miles of which the catchment of Budameru is only one-third and the portion of the catchment above the proposed reservoir only one-twentieth. Therefore, as far as the present floods are concerned, the omission to construct a reservoir on the Budameru could have made little or no difference.

"I have seen an amendment given notice of by the hon. Sri B. Narayanaswami Nayudu suggesting that the Budameru breaches should be forthwith repaired and closed. I can assure him that the Government will do everything in that direction.

"A scheme has been investigated for widening the Upputeru drain at a cost of about Rs. 85 lakhs. A special revenue staff is now examining the revenue aspects of this scheme. This scheme will be of considerable assistance in normal years by relieving submersion on about 10,000 acres of land lying on either side of it. An equal extent of land may also be reclaimed by this scheme and therefore the question of its execution will be considered by the Government as soon as the Board's report is received.

"The Public Works Department and Revenue staff are doing their very best to repair the breach damages to irrigation works. The Additional Chief Engineer visited the area and organized special repair gangs at all places. A special breach-closing division has been constituted and is now engaged on the Ellore canal which has breached in 75 places. One thousand five hundred coolies are working there to-day and it is hoped that the canal will carry water in a day or two. The regular staff that could be gathered up from different parts of the Province, have all been put on special duty in this area. The Samalkot canal which was also heavily breached has been repaired and is now carrying water. Repairs are going on with vigour on all the breached sections of all canals. Fortunately no appreciable damage has been caused to the Krishna anicut and headworks. Instructions have already been issued that preference should be given to areas affected by floods in the matter of permission for second crop cultivation. Repairs to irrigation tanks are also going on side by side, the first effort being to put up ring-bunds over breaches so that sufficient water may be preserved for the season for existing crops. Another special Public Works Department Division is being organized under the Food Commissioner to

[Sri M. Bhaktavatsalam] [15th November 1949]

attend to zamin tanks and this division will assist the-breach-closing work in zamin areas. I can assure the House that everything possible will be done to repair the damage without avoidable delay and for that purpose the Chief Engineer has already been authorized to incur expenditure in anticipation of Government's sanction."

(At this stage the Hon. President resumed the chair.)

SRI B. NARAYANASWAMI NAYUDU :—" Sir, any reader of the Krishna District Manual will know that, in regard to the cyclone in 1864, there was a gentleman who slept soundly in his house and had to be woken up in the morning and shown the water swirling round to realize the havoc caused by the cyclone. That is the story told in the Krishna District Manual. I am afraid that is a charge that must be laid against this Government. When a storm was sweeping certain parts of the Province, the Government were sleeping in Fort St. George. When he was accosted about this and asked to say whether the report of the damage by the storm was correct or not, the Hon. Premier said that it was an exaggeration. Is it an exaggeration? Will the Hon. Minister or the Premier see for himself whether it is an exaggeration or a stark reality? Is he going to be like the gentleman who was sleeping in his bungalow throughout the night of the storm or will he see and satisfy himself that it is not at all in exaggeration but a tragic stark and naked reality? When the Pressmen interviewed the Hon. Premier he thought it was a polling booth business. But unfortunately it was not a polling booth business to catch votes. It was a case in which the people suffered from the effects of a cyclone. Will the Government at least now say what has happened? That is the first point.

" The second point which I bring to the notice of the House is this. Every Collector's report refers to the damage to the dwelling houses and the people rendered homeless. The newspapers lay emphasis on this. But what is the real damage caused to the country by the destruction of crops and what is the emphasis the Government have laid on this? Newspapers also have not laid emphasis on this. Though three weeks have elapsed since the cyclone, though the Collector's reports have been received, though the Members of the Board of Revenue toured the affected parts is there any information about the extent of damage to the crops? For instance, the report relating to Guntur District says : " Standing crops damaged so many acres." If you say that there is cold, what is the nature of the cold? Is it bronchitis or pneumonia or what else is it? Do the Government know how many acres of paddy have been destroyed? What is the loss in cultivation? Have they assessed the damage and provided for it? There is no further detail beyond the statement that so many acres of standing crops were damaged. If you go to the Krishna or any other delta district, the first point that has to be considered soon after a cyclone is not the area of crop under water but the extent of water on the crop. There is difference between a crop under water and a crop with water in the field. You can take it that the crop with water on it is practically damaged whereas the crop under water will not be so much damaged. But the crop with water in it is a definite loss

15th November 1949] [Sri B. Narayanaswami Nayudu]

and must be written off. The real question is not about the number of acres damaged but the extent of submersion. In how many acres has the water gone over the crops and how many villages are affected in that manner? The mere remark that so many acres of crop have been damaged will not do, from, however, exalted a person it may come. Every one knows that as soon as a strong wind blows, the crops will be shaken this side and that, the grains will fall, and there will be damage. Is any information about the extent of damage placed before the House? Has the Hon. Food Minister, who is keen on procurement, got any figures? I know that the crops in certain villages of the Krishna district were submerged by the waters of the Budameru river. The reports about the West Godavari district refer to the loss in the area under Basangi paddy. How long are we to live under statistics of this type? The Basangi crop raised in the Krishna district is practically a total loss and it should be written off. If, in a village of three hundred acres, there is water for six or seven days, what is the loss? May I put this question to the Hon. Minister for Finance, who is here now? The newspapers said that he was in Vijayavada during the storm and that he safely returned to the Government House. The cost of ploughing, manuring and transplanting one acre in the deltaic area comes to one hundred rupees. For three hundred acres, the loss in cost of cultivation due to destruction of crops comes to thirty-thousand rupees. What is the emphasis laid on this loss, whereas much emphasis has been laid on the damage due to the falling of houses, huts and so on?

" I have given notice of an amendment suggesting that the Budameru breaches should be forthwith repaired and closed so as to enable cultivation to be carried on in the year 1950 pending long-term measures to prevent inundation by Budameru waters. The Hon. Minister for Public Works was kind enough to refer to this and say that all possible steps would be taken. But I want to know what report he has got, where it has breached, how many villages the water has submerged, and what is the extent of loss. If he had any information, he would have placed it before the House. The Budameru Reservoir is a long-term measure. It is a Lingadu business. It is like talking of unborn children and saying that I will provide nose screws and ear-rings for them.

" Sir, I want to know whether the Government have got any long-terms plans or measures to check the recurring ravages due to periodical floods and cyclone. Is there any mention of them in their report? Absolutely none. That is why I say, this is all Lingadu business. I want to know what are they going to do definitely."

THE HON. SRI P. S. KUMARASWAMI RAJA :—" Before that we want to know what is the meaning of Lingadu business, Sir? "

MR. PRESIDENT :—" I should like to say something before we proceed further. I want the co-operation of the House to see that the discussion on this subject is finished to-day. I am prepared

4-15
p.m.

[Mr. President] [15th November 1949]

to allow the House to sit a little late, if necessary, but I want that the Members should close the debate on this motion to-day, because there are hardly two days before us. I therefore request hon. Members to co-operate with me and see that this debate is finished to-day itself, and be as brief as possible in their speeches. I am constrained to make this observation, because I see that the hon. Mr. Narayanaswami Nayudu is still on his legs."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, I was just referring to the loss sustained in every village in the Andhra district on account of the floods in the Budameru river and was saying that the statement of the Government does not at all correctly show the extent of the damages caused, nor the plans they have for the immediate future. That is why I want a more detailed report in the matter. Let a report be called for from the Collector of the district in respect of the villages into which the Budameru waters had entered and destroyed the crops. We have seen with our own eyes the havoc caused by the floods and cyclone in these villages. What has Mr. Kala Venkata Rao, who has actually toured these districts, said about it? His statement has appeared in the papers. What has the Board of Revenue said about it? All have admitted that the villain of the piece is the Budameru and that is responsible for all these ravages. But, on the other hand, the Hon. Minister for Public Works, in his statement has said that the omission to construct a reservoir on the Budameru could not have made any difference and therefore that is not the thing we want to do. But we say that the Budameru is the villain and we want to know how are you going to book this villain. What is the answer of the Public Works Minister? This is a cyclone damage, and damage due to floods. This is not happening to-day only, but this has been happening periodically. We cannot take this lying down. That is why I have asked through my amendment, 'Never mind about what long-term measures you are going to take in respect of the Budameru Reservoir, but what is it that you are going to do immediately to rehabilitate the people who are affected by the present floods, and what steps are you going to take to enable them to cultivate their second crop at once?' We know that these lands had been inundated during the floods of the year 1945 and again now, in 1949 the same thing has happened. Will the Government call for a report from all the villages which have suffered by the Budameru floods as to what they have done to alleviate the distress among the people and what action they have taken to close and repair the breaches? That is why, Sir, I have put it in the first sub-clause of my amendment, which says—

'(a) That Budameru breaches be forthwith repaired and closed so as to enable cultivation to be carried on for the year 1950 pending long-term measures to prevent inundation by Budameru waters.'

"I say, Sir, it is not only a sin against the people affected, but a sin against God to take no steps earlier to put up a reservoir and prevent inundation by its waters, in spite of the fact that this has been happening periodically and in spite of the fact that we have been urging for the construction of a reservoir even from 1947.

15th November 1949] [Sri B. Narayanaswami Nayudu]

"Then, Sir, let me read sub-clause (b) of my amendment. It says—

'that a Crop Insurance State-aided Corporation be forthwith started to insure crops against inundation and pest losses and the funds thereof be partially recovered by a compulsory levy of further sales-tax on all stock-piles and stocks of rice held by the Government of Madras.'

"Sir, I want that a compulsory levy of further sales-tax should be made on the stock-piles and stocks of rice held by the Government of Madras. Sir, I am sorry that the Hon. Finance Minister is not here. I have seen in the papers that Member after Member in the other House got up and urged that the sales-tax should not fall on the consumer. Therefore it is, that I have purposely put down here that the funds of the Crop Insurance Corporation be partially recovered by a compulsory levy of further sales-tax on all stock-piles and stocks of rice held by the Government, in order to see that the cost of living index does not go up. I do not know, Sir, how much stock is there in the Government stock-pile, but I want that some advance should be made to those persons by the State-aided Finance Corporation or from State funds, as compensation for the loss they have suffered. I know that there is an Industrial Finance Corporation, which has come about very late, but I do not know what it has been doing now. Is it not incumbent upon the Government similarly to start a crop insurance corporation and see that the ryots who raised food-crops do not suffer any loss and that they are compensated for any loss suffered by them on account of pests, floods, cyclone and other periodical ravages? Just as this Industrial Finance Corporation is set up to help the industrialists with finance in the case of loss, so also, the agriculturists who cultivate lands and produce food for people in the Province, should be helped and financed by the State-aided crop insurance corporation, if they suffer loss by any of these causes. Session after session, during all these three years, we have been having food debates, and everybody has been complaining about the high procurement prices which the Government have been paying for the food-grains, and everybody has been urging that the Government should procure at the lowest possible cost, but nobody ever thought of the possible ravages and losses that were likely to be suffered by the ryots by reason of floods and cyclone. Of course, during all these years, the yield has been good and you have been taking away all their surplus food-grains, paying as little as possible. Now what does Malabar say to the losses that the Andhra has suffered? What does Coimbatore say, which wants about 90,000 tons of rice every year? What does the Government of Travancore say? What do the other deficit districts, which depend on the Andhra districts for their food, say in this great calamity which has befallen the Circars and the Andhra deltas? That is why, Sir, I say in the second clause of my resolution that on the stock-piles of food-grains at the hands of the Government should be compulsorily levied a sales-tax to be borne by the deficit districts. They should come forward and say, 'No doubt you are a good man; you have done well all these years and you have given us food at a reasonable price; now that you are in distress, we shall pay something more by way of sales-tax just to compensate the loss you have sustained'. That should be the attitude of the deficit districts now towards the Deltas.

[Sri B. Narayanaswami Nayudu] [15th November 1949]

"Then, Sir, let me come to sub-clause (c) of my amendment. It says—

"that all ryots whose holdings were submerged with water flowing over the head of the paddy crop for at least two days be given interest-free loans at the rate of Rs. 100 per acre repayable in yearly instalments by not less than five years and other ryots whose holdings were partially submerged be given remission of rent or revenue."

"Sir, this is only consequential upon what I have said in clause (b). Now all the crops are going to be lost and the least that you can do is to rehabilitate them by giving them interest-free loans at the rate of Rs. 100 per acre, recoverable in yearly instalments within a certain number of years.

"Then, Sir, clause (d) of my amendment says—

"that there be started at once a State-aided Flood Damage Corporation for dwellings or cattle sheds or grain godowns to which shall be contributed in the inception a compulsory levy of costs per house on all tiled or upstairs houses worth more than five thousand rupees in the city municipalities and panchayats."

"My idea in making this suggestion is this. Even to-day you are only looking after the dwelling houses in the cities and towns, but you do not bestow any attention towards rural housing. I have been raising this point in almost every debate on housing in this House, but no answer has been given to that. Now, what does my Hon. Friend the Minister for Housing, Mr. Sanjeeva Reddi, say in regard to the losses that these poor villagers have suffered by reason of these floods and cyclone? Not a single pie has been spent hitherto on rural housing schemes, and people in rural areas are suffering equally, if not greater, than people in cities and towns. Lakhs and lakhs of rupees are being spent in urban areas for improvement of drainages, etc., while rural areas are left uncared for. Now you have a spectacle of what has happened in the villages.

"Again, Sir, I have been urging several times in this House for the starting of a compulsory cattle insurance scheme in this Province, the necessity for which is well known to all. I do not know whether there is any such scheme in vogue in other Provinces, but I am told by the Government that they do not know anything about it. Now, Sir, thousands and thousands of cattle had been washed away by these floods and many huts and houses had been destroyed, but there is no scheme to rehabilitate them or insure them against such losses. That is why I have suggested in my resolution that you should levy a compulsory tax on tiled and upstairs houses worth more than Rs. 5,000 in municipal and urban areas and divert the tax so collected for the purpose of rehabilitating people in the rural areas, who have lost their houses and cattle on account of the cyclone and floods. My submission is that townsmen must compensate villagers, who suffer by such calamities.

"Then, Sir, I come to the last portion of my amendment. Clause (e) of my amendment says—

"that procurement or export of paddy or rice from the Circars be immediately stopped till the next crop."

"Sir, hitherto the Government have been taking away all the surplus rice and paddy from these districts. Now they have not got

15th November 1949] [Sri B. Narayanaswami Nayudu]

enough stocks for themselves. These floods have destroyed their crops and so till the next harvest, there will be nothing for them to eat and they will have to get on with their little stocks on hands. Now, what do we find in the streets of Vijayavada, or Masulipatnam or other big towns? Queues of people are standing in front of shops for purchasing rice. Therefore we should see that people are not allowed to starve by procuring the rice compulsorily from those districts and transporting it to other districts for distribution, and add to their tragedy. Therefore, Sir, I have said, let us stop forthwith this compulsory procurement business. Let us say, full stop to all procurement hereafter."

* SRI A. GOVINDACHARYULU :—"Mr. President, Sir, with depressed thoughts and oppressed emotions, I stand here to offer a few remarks on the havoc that has been caused by the recent floods and cyclone in our districts in the Andhra Desa, although they may be very unpleasant to members of the Treasury Benches. I am sorry to state that the people's Government and a Government in whom the electorate has reposed so much confidence could not discharge the trust properly during this hour of crisis. The statement made by the Hon. Minister for Revenue as regards the relief that was given and that would be given to the people affected is really very vague. There is no concrete proposal mentioned in it. It is stated that a sum of Rs. 5 to 10 will be paid to those who have lost their huts. I want to tell him, Sir, that previous to the floods, bamboo poles were selling at Re. 1-4-0 each. For a hundred poles the cost was Rs. 125 before. But now after the cyclone, the prices of building materials have been doubled and to reconstruct one hut, a person will require at least Rs. 100. The Government say that they are going to pay only Rs. 5 to 10 for those whose huts and houses have been destroyed. How will that be sufficient? It is also stated in the statement that building materials have been supplied to those who have lost their houses. But there is nothing stated about what sort of housing materials have been supplied and how much has been supplied and whether it is possible for them to rebuild their houses by means of these materials.

"Sir, as far as the district of West Godavari is concerned, I can say without fear of contradiction, that nothing in that direction has been done. I started from my place on the 8th of this month and I know that nothing was done. What amount was spent by the Revenue department or any other department in the West Godavari district in supplying bamboos and other building materials for reconstructing the houses which had been destroyed, has not been stated, so as to give us an idea of the rehabilitation work done by the Government. Of course, the Hon. Minister for Revenue has said that he had given Rs. 40,000 to West Godavari for relief work. When I was in Eluru on the 8th instant, the rice was not supplied properly. I started for Madras on the 13th and I know that many of the people had no rice for days together. A meeting was held presided over by the Collector, and I was also present at the meeting and I told the Collector that people had no rice for days together and also about the sort of rice supplied to them and

[Sri A. Govindacharyulu] [15th November 1949]

also that the people in the neighbouring villages were suffering from want of rice and that they could not get it even in the black-market. But the Collector contradicted it and said that there were large stocks of rice in West Godavari and that they were enough to feed all the people. I do not know what data he had with him or with what authority he had said like that. But I know that people were fasting since the cyclone started. We cannot have an idea of the enormous amount of suffering that people had been put to, in towns as well as in the village parts.

4.30 p.m. "Even after the cyclone, this is the fate of the people there from where much of the rice was exported to other parts of this Province. I know why we were so badly treated. I know not even one Minister except one Hon. Minister, came to our place. Perhaps this sort of interest on the part of our Ministers was entirely responsible for the utter negligence and the bad treatment that was given to us by the Government as a whole."

MR. PRESIDENT:—"May I know if the hon. Member does not claim others as his Ministers?"

SRI A. GOVINDACHARYULU:—"I do claim, Sir; I do belong to that party, and I am one of those people."

THE HON. SRI P. S. KUMARASWAMI RAJA:—"He means Andhra Ministers."

MR. PRESIDENT:—"The hon. Member said: 'My Ministers'. That is why I asked him 'do you not claim others as your Ministers?'"

SRI A. GOVINDACHARYULU:—"I do claim, Sir. That is why I already told these things plainly."

THE HON. SRI K. MADHAVA MENON:—"Is not Mr. Sitarama Reddi an Andhra Minister, Sir?"

SRI A. GOVINDACHARYULU:—"Sir, the statements made by the Hon. Minister for Revenue and the Hon. Minister for Public Works, have, on all hands, accepted that the damage was very heavy and people have suffered heavily, and that something must be done to relieve them of their difficulties. No doubt it is too late now. Now at least they have realized that they have to do something for these three districts."

ఇది వనీకండు కాలమున ఇక్కడ భాషని ఎందుకాని ఉ

ఇందుకు వేసవిలో వరుడు భాషని రేపేను ముక్కనే ముద్ర

"One Andhra poet has written that 'We praise the Sun in the winter days but in summer we cannot appreciate the Sun'. Likewise these districts were praised, cajoled and were forced to export all the rice they had got. Now when there is no rice, not a bag of rice has been imported into these districts, and the rice that is lying in these districts was not properly distributed. I am not here to blame anybody or any officer or even our own non-officials. All that the Revenue department and the Government

[Sri A. Govindacharyulu] 15th November 1949]

could do was that they began forming non-official committees to collect funds and distribute those funds after the cyclone was over. This is just like trying to dig a well while the house is on fire. How long will these committees take to collect funds, and how much time will it take to distribute the funds? It is already three weeks since the cyclone overtook these places. People were thrown into the open air, in this winter season. They have no rice to eat and no roof to sit under. Still, we are thinking of measures of forming non-official committees to collect funds. Is this the way, I ask? What has become of the Famine Relief Fund? What has become of the other funds? Cannot this Government, a huge and big Government, command funds to give relief to these distressed people in times of great need with grace? Those people who have fed the whole Province, are now suffering for rice. As my hon. friend Mr. Narayanaswami Naidu said, they are still working on the side of procurement. I am told that one officer told our Collector 'you know that your district has still to export something'. If that is a fact, I do not know where we are. How are we to live in those districts. We must all come away from those districts to districts which are declared already as deficit districts so that we may have our own rice. There is nothing for procurement in those districts. I request the Food Minister to re-form his department and to do all that is needful, and give us at least that rice which is lying there by declaring West Godavari and Krishna districts as deficit areas. Because, the report circulated here says that five lakhs and twenty-five thousand acres of paddy land, have been affected. Perhaps that is the report of the District Collector. He himself has reported that almost all the lands under paddy cultivation are affected—some portion 50 per cent, some 35 per cent and some others cent per cent. So, Sir, wherefrom are we to get rice? How can the Government procure rice hereafter from these places? What I want the Government to do is to see that whatever rice is available there, is not exported to other places. Whether there is rice or not, is a question to be considered for the future. First please see that some rice is sent there and that the poor people and every one of us are fed properly. Because, though we had with us some rice by our efforts, we sold it away as honest men at the Government rate. And these people to-day have to suffer. Some big people have got some bags of rice with them in reserve. I would not advise them to release those reserves, because they will be helpless later. The Government which ought to have taken care of these poor people from whom they have procured all the rice already, have not done so. What I would like the Government to do is to declare forthwith that our districts are deficit areas. Some quantity of rice should be sent to those places forthwith to feed the poor people.

"As far as their houses and cattle are concerned, they should be given at least Rs. 100 each. Fifty bamboo sticks are necessary to erect a roundabout hut. That means 50 × 1-4-0. Then there is the palmvra leaf. This report says that palmvra leaves are being supplied. May I ask, where is it supplied, Sir? Almost all trees

[Sri A. Govindacharyulu] [15th November 1949]

have gone down. There is no single palmyra leaf. There is no palmyra tree either. Even then how long will it take to supply the palmyra leaves. How long will it take to send the palmyra leaves there and distribute them to all the places. How long are the people to be in distress, for want of these palmyra leaves and bamboo sticks. I should like to advise the Government that they should issue an ordinance as far as building materials are concerned empowering the District Collectors to seize all the building materials from the depots and distribute them to the people at the pre-cyclone price."

MR. PRESIDENT:—"If an ordinance is to be passed we must all get out; we are not to be in session. Why not pass a Bill?"

* SRI A. GOVINDACHARYULU:—"An ordinance by the Government should be passed forthwith. I request the Government to prorogue the session. That is what I mean. I know there are legal difficulties and constitutional difficulties if an ordinance is to be passed without proroguing the session. I should prefer

MR. PRESIDENT:—"I am sure the Government can do it even by executive orders. There is no need for an ordinance."

* SRI A. GOVINDACHARYULU:—"Then we will be very glad. It is far better to supply a bamboo stick to the poor man who is distressed than our meeting and talking here, and the Government going on hearing us without caring to comply with our requests."

"Sir, I would like to invite the attention of the Hon. Premier to one fact, that is, as far as West Godavari is concerned, the only officer whom we can praise with pride is one Mr. Rayappa, Revenue Divisional Officer, Narsapur. Everybody from that division tells me, and I have also enquired and verified, that he did immense service to the people in time of need and he is the only man who has saved the prestige of the Congress and the Government. To my astonishment and to the astonishment of every one in that division, we find that he is transferred. Is it a punishment for all his services? What for was he transferred?"

MR. PRESIDENT:—"Perhaps he is required to do some such work somewhere else!"

* SRI A. GOVINDACHARYULU:—"Is this the time to transfer him, Sir? He has to do immense work in that division. I think the Hon. Premier will consider this aspect. I invite the attention of the Hon. Minister for Public Works to the rivers Budameru and Upputeru and the Kollair lake. I am told by old and experienced ryots in the district that all these floods are more due to the construction of the Gudivada-Bhimavaram railway line. This line obstructs the floods from going into the sea. There are outlets arranged for taking the floods to the sea, but they are not

15th November 1949] [Sri A. Govindacharyulu]

sufficient. (An Hon. Member: Is the railway line to be dismantled.) I have been told by the old ryots of the place who have suffered by the floods that the railway line obstructs the floods from going into the sea. I should like to request the Hon. Minister for Public Works to investigate this matter and see whether anything better cannot be done for the floods to reach the sea easily without affecting the crops."

MR. PRESIDENT:—"I thought the trouble was that sea water was coming inland."

* SRI A. GOVINDACHARYULU:—"As far as Narsapur taluk is concerned the tidal wave has come. We cannot do anything for it, because the tidal wave is due to the will of the Almighty. Perhaps I should mention here that all the sins of the King will transform into difficulties of the people. That is the old saying. I do not know whether the sins of the people of the districts or the sins of the Government are responsible. Is the King responsible for the distress of the people or his subjects are responsible? However, I am not concerned with this. I have seen with my eyes people groaning in distress and going about from house to house begging. Even very big families and middle class people have been greatly groaning. In Eluru proper . . ."

MR. PRESIDENT:—"I would request the hon. Member to close his speech soon."

* SRI A. GOVINDACHARYULU:—"I will conclude soon, Sir. Relief of Rs. 40,000 to our district, I am sorry to tell you, is not sufficient even for one taluk. As Mr. Narayanaswami Naidu has stated, it is humanly impossible to calculate in terms of figures the damage that was caused in our district to the crops. So, Sir, not less than Rs. 10 crores will be necessary. Where are the funds to come from? I can understand the difficulty of the Government. But that is no reason to be miserly. The Government should not be negligent. They should not be callous towards these distressed people. Let them be generous and spend as much as they can, and win the confidence of the people. Let them re-establish the prestige of our Great Rishi Mahatma Gandhi and the Congress, whom we represent here in this Province. Sir, I have already requested Government to see that at least Rs. 100 each is given to people who have been made homeless. As far as ryots who have lost their cattle and agricultural implements are concerned, the Hon. the Revenue Minister has told us that Rs. 500 interest free takkavi loans will be given. I congratulate him on this decision. I only request him to see that the amount is increased to Rs. 1,000. Rs. 500 is not at all sufficient. One pair of bullocks costs not less than Rs. 500. How can the poor ryot whose lands have been greatly affected bring them back into cultivation with Rs. 500. He requires much more for reclamation, manure and so on. Therefore it is I request that the amount should be increased to Rs. 1,000."

[Sri A. Govindacharyulu] [15th November 1949]

"As regards land revenue remission, the Hon. the Revenue Minister has stated that he will consider the question favourably. I request him to commit himself to what extent he is going to give remissions, is it 6 annas crop, or 8 annas crop, or 10 annas or 12 annas crop? Anybody can come along with me to the villages, and I will show him and convince him how the estimates sent to Government are wrong, baseless and have been made on some wrong calculation by the karnams or the tahsildar."

4-45 p.m. MR. PRESIDENT :—"Has the Hon. Minister received any estimates for remission? Not yet, I think."

SRI A. GOVINDACHARYULU :—"The estimates will be prepared by the karnam. The karnam says that 4 annas crop is lost or 8 annas crop is lost. Then the tahsildar and . . ."

MR. PRESIDENT :—"I would like to impress upon the hon. Member that the reports will come later on and they would be considered by the Revenue Minister."

SRI A. GOVINDACHARYULU :—"I submit that the Hon. Minister can say one thing."

MR. PRESIDENT :—"There is a point in discussing things in their proper perspective. When the Government say that after the reports are received the full facts will be considered, why do you think that they are not going to give the full remission that is required? You are unnecessarily wasting the time of the House."

DR. V. K. JOHN :—"He has no confidence in the Government, Sir."

SRI A. GOVINDACHARYULU :—"I humbly submit that the Government can easily say that they are prepared to give remission to a certain extent."

MR. PRESIDENT :—"How can they say now when they have no reports? Even you cannot say what is the estimate of the damage."

SRI A. GOVINDACHARYULU :—"They can easily say, Sir, that they are going to give 10 annas' or 8 annas' remission."

MR. PRESIDENT :—"I am sorry the hon. Member does not catch the point. Perhaps it may be that the situation requires a remission of 12 annas or 15 annas. Why should the Government grant half a rupee alone?"

SRI A. GOVINDACHARYULU :—"My submission is . . ."

THE HON. SRI H. SITARAMA REDDI :—"I would draw the hon. Member's attention to the statement made—"

'It is realized that remission on a very liberal scale will be necessary in the districts affected by the floods and cyclone. As

15th November 1949] [Sri H. Sitarama Reddi]

soon as detailed proposals are received from the affected areas, the question of granting land revenue remission will be taken up.'

That is what I said. In addition to that, I may inform the hon. Member that with regard to the suggestion made that remission should also be granted to coconut gardens and other garden crops and for lanka lands which suffered damage, even that question is being examined. That is what I said anticipating this kind of discussion."

DR. V. K. JOHN :—"He does not believe the statement."

* SRI A. GOVINDACHARYULU :—"I am glad that the Revenue Minister has re-assured us that he would carefully consider the question of remissions. I hope when figures are available, they would grant remission which would go to a great extent to help the ryots in their distress."

"One more thing, Sir. We expected that the Food Commissioner of the Government of India, when he was here during the cyclone, would be advised by the Government of Madras to visit the affected areas. Certainly a word from him would have given us some relief and it is an immense surprise to us that he has not said even a word and he has gone away without even thinking of the distress of the cyclone-affected people. But when even our own Ministers would not find their way to visit these affected places, how can we expect the Food Commissioner of the Government of India to be kind enough to visit the whole area? I only want to say that even against money, a word of consolation in time of distress would go a long way in alleviating our misery. The reports published in the newspapers are not at all exaggerated. The sufferings of the people are greater than what are published in them. Perhaps they are not published due to paper scarcity and many other difficulties. So, I would like that an impartial non-official committee should be constituted to visit these districts with a view to collect statistics as to how far the crops have been damaged, how far the people have suffered and how the food position is in the districts so that the Government may act correctly and wisely in time with grace."

* DR. A. LAKSHMANASWAMI MUDALIYAR :—"Mr. President, I had not intended to speak, but a few observations that had been made by the hon. Members compelled me to take a small portion of the time of the House. I had the opportunity almost at the conclusion of the cyclone to go to Calcutta; it was no doubt by air, but even so I could see sheets of water over tracts where green fields used to be seen and I could very well imagine the great havoc that might have been caused in those districts. This is a national disaster and we must take note of it as a 'national disaster' and not as a disaster that occurred in one particular part of the country to which other parts could be indifferent or callous. I do not think there is any Member of this House who does not realize the sufferings of the people of these districts, particularly the poorer classes and the poor middle

[Dr. A. Lakshmanaswami Mudaliyar] [15th November 1949]

class who have none to champion their cause. While I really appreciate these facts, I do feel that there should be a method by which we should approach the whole problem; otherwise, it will really be that those who shout best will get the best of it and those who have no opportunity to express their views or make proper representations will suffer as they always did.

"Taking the damage that has been caused by this storm, I should like to state first of all the damage to life, and unfortunately we could do nothing in the matter beyond saying that their souls must rest in peace. But there may be occasional cases where the only earning member who could support the family has lost his life. I should like such particular instances to be investigated, not from the point of view of a large concourse of people, but individual considerations should be given to some of the hardest cases which to my knowledge have occurred in the different districts.

"The loss of cattle has been enormous. We know particularly in an agrarian country so much accustomed to agricultural labour what this loss of cattle means. We have had several instances where houses have collapsed in cities and mud walls,—the so-called houses—in the rural areas. Crops have been damaged; breaches of tanks have occurred; communications have been very severely uprooted; all these are facts. But I say the problem requires to be considered from two aspects of view, the immediate aspect and the somewhat remote aspect. Even the immediate aspect can be classified as the more urgent and the less urgent. Among the more urgent problems, I would first of all put the question of food supply. There is no question whatsoever that this problem exists. At present owing to various causes, either because the surplus districts have become more or less deficit districts or because even in those districts where some amount of good material was available, materials of transport have been seriously curtailed, there is undoubtedly the problem of food supply. That is a matter on which immediate and co-ordinated action is necessary by all the departments concerned. The Food Department should take steps for the procurement of supplies and the Transport Department for the transport of food. I am surprised that in a matter like this the Central Government should not have come to the assistance of the Provincial Government and made enquiries as to the extent of help they could possibly render, when damage on such a large scale has occurred.

"The next thing is of course the question of providing clothes. Every man requires food and shelter. If it were any other country, I would have said that he requires cloth. But unfortunately in this country even the clothes have sometimes to be dispensed with and people just confine themselves to the very rudimentary necessities for covering Nature's garb. That apart, in regard to houses also immediate shelter ought to be found to those people who unfortunately have got to wander in the sun with no shirt to cover them. These are the immediate problems and there can be no two opinions about them.

15th November 1949] [Dr. A. Lakshmanaswami Mudaliyar]

"The less urgent problems are those to which several hon. Members have referred—the question of damages to crops. This, I feel, is a matter that ought to be thoroughly investigated, and not only remission should be granted but also such methods as are calculated to bring crop production at the earliest possible stage should be taken up. This must be the concern of the Food Ministry both in the Centre and in the Provinces. The Revenue Minister may be able to grant remissions. I would take it that the remissions are granted at 12 annas, or whatever may be the rate,—I hope will be on some scientific basis and not exactly depending upon the volume of opinion pointedly expressed to the Ministers while they go on tour. While such opinion may be taken into consideration, I do feel that there is a necessity for issuing a warning that the Ministers ought to take scientific note of the various shades of crop damages that have occurred and give due and necessary remission on a particular scientific basis. Otherwise, once again the charge will be levelled against the Government that they have favoured this or that influential person.

"In the last two days when I was listening during question time, I must confess to a feeling of utmost humiliation that many questions, many supplementary questions, have been asked in this House which go, in my opinion, to seriously damage the reputation of the Government. The Members ask questions not, in my opinion at any rate, giving sufficient guarantee for the accuracy of the questions put. That apart, the reason why I say this is that it must not be a question of non-official members gathering together and giving their views. Of course for the time being I am a non-official Member of the House. But the departments concerned should make a detailed study and in these things energetic steps should be taken.

"While I, therefore, feel that these measures ought to be adopted immediately for promoting ameliorative measures, I still think that the chief problem that faces us has not been faced by this House—I will not say about the other House. Is the present cyclone about which we are discussing the first of its kind? During the last 25 years, at least half a dozen cyclones of a virulent nature have occurred; this may be the worst, I concede. I remember well in 1928 I was travelling by the Calcutta Mail and it took 24 hours for me to go to Nellore. And what did I find? Nellore was naked to the bones. Similarly a cyclonic storm took place in South Arcot, round about Tiruchirappalli and in Tirunelveli also. This is becoming more or less a chronic occurrence. What is it that we are going to do? If this disaster does not enable us to think of a more substantial method of giving relief and of being prepared for such havocs, then we would not have learnt a lesson we ought to, from these acts of God. Therefore, I come from the urgent steps to the somewhat remote steps. I do want that the Government should now, on the basis of the havoc that has been caused, think of permanent measures for alleviating similar situations wherever they may occur, in whatever part of the Presidency. I do not suppose that scientific research has yet come to the position when we can anticipate cyclonic disasters long

[Dr. A. Lakshmanaswami Mudaliyar]

[15th November 1949

before they occur. Therefore, we ought to take note of this particular situation and prepare ourselves, and my advice is that there should be an Expert Committee formed to consider ways and means by which immediate relief can be given wherever flood, famine, pestilence or other havoc is caused.

"I am glad that my hon. Friend Mr. Narayanaswami Naidu, has given in his amendment some useful suggestions—the question of insurance of food-crops, the question of providing for the construction of houses on a co-operative basis, the question of building up a fund for famine relief, etc. I believe I am correct when I say that there is already a fund, but it is not commensurate with the needs of the disasters that we met with in recent years. That fund ought to be augmented every year by placing half to one crore of rupees so that we may ultimately have a fund of ten crores of rupees or thereabouts and from that fund relief could be given in such circumstances. While the poor man should be given every assistance, the middle class and the rich men should be given such loans as would be commensurate with the amount of damage that has been caused so that they may rehabilitate themselves.

"The most important thing

"The most important thing is that the food production ought not to be decreased by any chance. While on this subject, I would like to suggest that it will be necessary for the Co-operative Department, Agricultural Department, Revenue Department, Food Department and Public Works Department to consult together and see in what manner they can prepare themselves to meet the situation when such emergencies arise. I am not sure that this is the only occasion when flood havoc has occurred. Therefore, my plea with the Government is that they must consider this 'act of God' as a sort of pointer to the duties that they owe to the public at large, and when I say 'the public at large', I do not forget that this Legislature has taken the place of the King and that it is part of the Government themselves, and although the Members who belong to the Government party may forget themselves of that factor, I am not prepared to forget it and that this is an act of God on account of the sins committed by the King. I may tell my friend Mr. Govindacharyulu that he is one of the Kings who are responsible. I must, therefore, plead greatly with the Government to appoint immediately an Expert Committee to go into this whole question and as a long-range policy to suggest what measures are necessary to meet the situation."

8 p.m.

* SRI T. PURUSHOTHAM

[illegible]

15th November 1949] [Sri T. Purushotham]

పురము, రామచంద్రాపురము, రాజమహేంద్రవరము, తుని, కొత్తపేట తాలూకాలో జరిగిన నష్టం గురించిన వివరములు మాత్రమే ఉన్నవి. కాని ఇతర తాలూకాలో జరిగిన నష్టముయొక్క వివరములు తెలియజేయబడియుండలేదు. ఇందువలన ఆ తాలూకాలో విమాత్రము నష్టము జరుగలేదనియూ, లేక ఆ తాలూకా అధికారులనుంచి సంజాయిషీ రాకనూ ఆనే విషయములగురించి ప్రభుత్వ ఆధిపత్యం తెలియజేయ గోరుతాను.”

THE HON. SRI H. SITARAMA REDDI :—“ నష్టముయొక్క వివరములు తెలియకనే.”

SRI T. PURUSHOTHAM:—“అభ్యుదయ, ఇటీవల గత మాసములో సంభవించిన తుపాను వీధిత్వంవల్ల నష్టపోయిన జిల్లాలోని మా తూర్పు గోదావరి జిల్లా మండలి కమిషనరు మీకు నేను చెప్పనక్కరలేదు. గత 10 సంవత్సరములలో మా జిల్లాలో 8 పర్యాయములు తుపాను వచ్చినది. కాని ఆ తుపాను లేనియు జిల్లాలోని ప్రజలకు ఈ తుపానువల్ల కలిగినంత నష్టమును కలిగించలేదు. 60 సంవత్సరముల ఈ లోపల ఇంత బ్రహ్మాండముతో ఇంత పెద్ద తుపాను రాలేదని చాలా వయసుచెప్పువారు చెప్పుచున్నారు. ఈ తుపాను వీధిత్వంవల్ల విశాఖపట్నం, ఉభయ గోదావరి, కృష్ణా, గుంటూరు, నెల్లూరు జిల్లాలు మాత్రమే కాకుండ ఇతర జిల్లాలో మండలంత నష్టము కలిగిన మాటు యదార్థము. ఈ కోస్తా జిల్లాలో ఈ తుపానుతోపాటు సముద్ర ప్రాంతములో పెద్ద ఇచ్చినటి తెలుగు భూమి అయితు వెళ్ళవరకు వచ్చి కొన్ని గ్రామములలోను కంటలను, పూరి యిక్కిను యావత్తుకూడ పూర్తిగా నాశనం చేసిన విషయం ప్రభుత్వంతారికి తెలిసిందే. అయితే ఈ సందర్భంలో ఒక విషయంన్న తూర్పు గోదావరి జిల్లాను గురించి చెప్పవలసియున్నది. మనము జమీందారీ రద్దు విషయంలో పిఠాపురం సంస్థానాన్ని రద్దు చేసినామేకాని తూర్పు గోదావరి జిల్లాలోని పిఠాపురము తాలూకాను మనము తీసివేయలేదు. ఆ తాలూకా ఇప్పటికీ జిల్లాలోని పిఠాపురము తాలూకాను మనము తీసివేయలేదు. ఆ తాలూకా ఇప్పటికీ జిల్లాలోనే యున్నది. అక్కడి ప్రజలు మన మదరాసు ప్రభుత్వమునకే పన్నులు చెల్లించుచున్నారు. అక్కడ జిల్లాలోనున్న అధికారులు అవతలయున్న తుని తాలూకాలోను, ఇవతలయున్న కాకినాడ, రామవల్లభాపురం తాలూకాలోను జరిగిన నష్టంగురించి తెలియజేసినారు. కాని నీటి మధ్య ఉన్న పిఠాపురము తాలూకాలో ఎంత నష్టము సంభవించినది ఇంతవరకు తెలియజేయబడలేదు. ఈ విషయమై జిల్లాలోని అధికారులు ప్రభుత్వంవారుకూడ సంజాయిషీ ఇవ్వవలసి యున్నది. ప్రజలకు అపార నష్టము సంభవించి అనేక వేల ఎకరములలోని కంటల యున్నది. ప్రజలకు అపార నష్టము సంభవించి అనేక వేల ఎకరములలోని కంటల సర్వ నాశనమైపోయి వేలాది బీడ్ ప్రజల పూరి ఇట్ల పడిపోయి ప్రజలు అల్లాడి పోతుంటే ఎంతెంత నష్టం కలిగిందో ప్రజల అగసాల్లే మా ప్రభుత్వానికి తెలియజేయని ఉద్యోగస్తులు ప్రజా ప్రభుత్వం తరఫున పరిపాలన సాగిస్తున్నారంటే చాల విచారించ వలసిన విషయం. ఇట్టి అధికారుల చేతులలో ప్రజలకు ఎట్టి సదుపాయాలు సౌకర్యాలు సకమంగా సవ్యంగా జరుగుతాయో అనేది మనము అలోచించవలసియున్నది. ప్రభుత్వంవారు ప్రజలకు సహాయకడుతామని ఇచ్చిన హామీని ఈ ఉద్యోగస్తులు ఎంత సానుభూతితో నిర్వహిస్తారో తమ విధిని ఎంత సకమంగా నిర్వహిస్తారో మనము అలోచించుకోవలసియున్నది. ఏమైనప్పటికీ ప్రభుత్వంవారు వారి అధికారులు శ్రద్ధ అలోచించుకొనవలసియున్నది. ఏమైనప్పటికీ ప్రభుత్వంవారు వారి అధికారులు శ్రద్ధ అలోచించుకొనవలసియున్నది. ఏమైనప్పటికీ ప్రభుత్వంవారు వారి అధికారులు శ్రద్ధ అలోచించుకొనవలసియున్నది.

“ ఈ సందర్భములూ నా స్వామిభవాన్ని పురిస్కరించుకొని దీనిని నా దేవుని ప్రాంతాలలో కలిపి కష్టనష్టాలను గురించి యిది చేస్తాను. మా జిల్లాలోని కోనసీమ ప్రాంతంలో కొబ్బరి తోటలు విస్తారంగా వున్నవి. ఈ తుపాను గాలివల్ల తోటలలో

[Sri T. Purushotham] [15th November 1949]

నూటికి 25 చెట్లకు పైగా పూర్తిగా నాశనం అయిపోయినవి. ఈ విధంగా కలిగిన నష్టం అంతగా వేయాలంటే చాలాకష్టం. సాధారణంగా ఒక ఎకరానికి 50 కొబ్బరి చెట్లు ఉంటాయి. వీటిలో 8 నుంచి 12 చెట్లవరకుకూడ పడిపోయిన తోటలు అనేకమున్నవి. సాధారణంగా చెట్లకు అధమం వంద కాయలు చూచుకొన్నప్పటికీ ఎకరానికి 8 వందల కాయల చొప్పున వష్టం కనిపించుచున్నది. ఈ నాడు నూరు కొబ్బరికాయల ధర రూ 15 లు వున్నది. అనగా ఒక్కొక్క ఎకరమునకు సంవత్సరమునకు రూ 120 లు వందగ సంభవించినదన్నమాట. ఈ వందగ ఈ ఒక సంవత్సరమునకు మాత్రమేగాదు. కొబ్బరిచెట్టు పెరిగి కాయలు కాచుటకు పది పదిదేండు సంవత్సరములు పట్టును. అనగా ఈ పది పదిదేండు సంవత్సరముల కాలము లోను కొబ్బరి తోటల రైతులకు ఎకరమునకు 12 నుంచి 15 వందల వరకు నష్టము సంభవించినది. ఈ ప్రకారము అంతగా వేసి చూచినట్లయితే మా జిల్లాలో జరిగిన నష్టం లక్షలలో కాదు, కొన్ని కోట్ల వరకుకూడ వెరుగగలదు. విప్రభవము అయి పట్టికి ఇంత నష్టమునైచి రైతును పూర్తిగా భ్రష్టం చేసేది. ఇందుకు ఏ విధమైన సావకాశం కూడ వుండదు. కాని రైతు దేశానికి జీవకర, ప్రభుత్వానికి జీవకర, రాష్ట్రానికి జీవకర. అటువంటి రైతు ఈ రోజున మా జిల్లాలో నిరాధారుడై నిరాశ్రితుడై దిగులుగ ఏ విధమైన ఆదరణలేక చిన్న రైతునుంచి పెద్ద రైతు లాగాయితు ప్రభుత్వ సహాయానికై ఎదురు చూస్తున్నారు. ఇట్టి తరుణంలో చిన్న రైతుకు చేయవలసిన సహాయం చిన్న రైతుకు, పెద్ద రైతుకు కావలసిన సహాయం పెద్ద రైతుకు చేసి ప్రజాధారణ ప్రజామోదము పొందడం ప్రభుత్వంవారి విద్యుక్త ధర్మం. దేశానికి వెన్నెముక అయిన రైతుకు వెన్నె విరిగి కూలిపోతూనికి సిద్ధంగా ఉన్న సమయంలో ఆలస్యంచేయక, ఆతనిని ఆదరిస్తేనే దేశము ప్రజా ముగ్ధంగా, జైతుంగా భ్రష్టతానికి అవకాశం వుంటుంది. అటువంటి ప్రభుత్వాన్ని యధార్థమైన ప్రజా ప్రభుత్వం అనటానికి ఎవ్వరు సందేహించరు.

“ఈ తుపానువల్ల మా కోస్తా జిల్లాలో ముఖ్యమైన ప్రభుత్వ పరిపాలన ఎంత చెబ్బలిస్తాడో మిత్రులు సాధారణస్థాయి నాయకులైన వారి ఉపన్యాసంలూ తెలియజేసియున్నారు. వరిచేసు రెండు రోజులు నీటిలో మునిగియుంటే ఎంత కష్టం కలుగకుండా స్వానుభవము ఉన్న రైతుకు తెలుస్తుంది. వరిగింజ రెండు రోజులు నీళ్లలో ఉన్నట్లయితే ముక్క వస్తుంది. గడ్డి కుల్లి పోతుంది. ఇప్పుడు ప్రభుత్వం ముఖ్యముగా, బసంగి వంటి అసాధారణమైన ఆపారమైన చెబ్బలిస్తోంది. అనేక ప్రాంతాలలో కొనియొన్న తోతకు సిద్ధమైయున్న బసంగి చేలు 7, 8 రోజుల వరకు నీటిలో మునిగిపోయి యుండవలసి వచ్చింది. మంచి వంట పండవలసిన పాలము లలోకూడ ఇప్పుడు కూలివరకైనను భాగ్యము వచ్చుననే ఆశకూడలేదు. కొన్ని కొనియొన్న చేలలోని సస్యము ప్రవాహంలో కొట్టుకొనిపోయి విడిపోయింది. ఆఖరకు వరుగులకుకూడ గడ్డిలేనిస్థితి ఈ నాడు అనేక గ్రామాలలో విరృద్ధిపడినది. నేను చెప్పే విషయాలలోని నిజా నిజములను మా జిల్లాలో మిత్రులు సంచారము చేసి నట్లయితే వారే తెలిసికొనగలరు. అంతేకాక మిత్రులు గోవిందాచార్యులు గారు చెప్పినట్లు గౌరవనీయులగు మిత్రులు కాఫీ పూటల్ను తెరచుటకు, సినిమా భవన నిర్మాణాలకు శంఖుస్థాపన చేయుటకు వెళ్లటకు బహుళ వారు తుపాను విభవంవల్ల ఆక్రందిస్తున్న ప్రజానీకాన్ని చూచుటకు ఆయా జిల్లాలకు పోయి ప్రజలకు ధైర్యం చెప్పి పూనుకోవడం అత్యంత అవసరమని మనవి చేస్తున్నాను.

“ఈ నాడు వంట పాడైపోయి ముందుగలి విమోచన ఆచిస్తున్న రైతును నిలబెట్టటానికి ప్రభుత్వంలోని అన్ని శాఖలవారును కృత నిశ్చయంగా పనిచేయాలి.

15th November 1949] [Sri T. Purushotham]

ముఖ్యంగా వ్యవసాయ డిపార్టుమెంటువారు వ్యవసాయదారు వెంటనే వ్యవసాయము కొనసాగించుకోవటానికి వీలైన అవకాశాలని కలుగజేయాలి. రెండవ శంట పండించు కోటానికి కావలసిన విత్తనాలను మిగులు జిల్లా లనుండి గాని, ఇతర రాష్ట్రాలనుండి గాని అవసరమైతే తాత్కాలికంగా ఈ డిపెండు మాసంలోనే డొడ్డుటానికి పనికెచ్చే చిన్న పంట విత్తనాలను తెప్పించి రైతుకు సన్నచేయవలసి యుంటుంది. విత్తనాలే కాకుండా మంచినీటి పండుటకు ముఖ్యపరిమైన ఎరువులనుకూడ వ్యవసాయ డిపార్టుమెంటువారు సన్నచేయవలసి యుంటుంది. అంతేకాకుండా వ్యవసాయదారునకు అత్యవసరమైనటువంటి వ్యవసాయ పనిముట్లనుకూడా సరఫరా చేయించవలయును. ఇటువంటి సదుపాయముల సన్నిహితి వెంటనే చేయకపోయినట్లయితే వచ్చే సంవత్సరంలో మనమందరము మహా వికరీతమైన కాటకాన్ని ఎదుర్కొనవలసి ఎదురందన టానికి ఎంతమాత్రము సందేహములేదు. శుభరుణం మనకు అందరకు శరీర సమయం తుపానువల్ల నష్టపడిన రైతులకు సకాలంలో వడ్డీలేని వడ్డలిమీద అప్పులన్ని, ధనసహాయముచేసి, ఇతర అవసర వస్తువులను supply చేసి, రైతులు తిరిగి వెంటనే వ్యవసాయం చేసుకొనుటకు ప్రోత్సాహాన్ని కలుగ చేయవలసినదని ప్రభుత్వమువారిని కోరు చున్నాను.

“ప్రభుత్వమువారు రైతుకు ఏ విధంగా సహాయపడాలో అనే విషయమై నేను కొన్ని సలహాలను చేయదలచినాను. ఇప్పుడు రెవిన్యూ అప్పలను భూములన్నవారికే ఇవ్వవలె ననేటటువంటి నిబంధన ఉన్నది. ఇటువంటి షరతు ఉండుటచేత స్వంత భూమి ఉన్నవారికేగాని స్వంతభూమి లేకుండా, కాలుకు భూమిని నేడ్యము చేసు కొనేటటువంటివారికీ ఋణములను ఇచ్చే అవకాశములేదు. ముఖ్యంగా స్వంతభూమి లేకుండా, ఇతరుల భూములను నేడ్యముచేసుకొంటున్న రైతులు చాలా వీడవారు. వారు ఈ సంవత్సరం కాలుకు చేసుకొనుచున్న భూములను వ్యవసాయము చేసుకొ నుటకు ఆహ్వానం చేసుకొని కొంతపెట్టుబడి పెట్టి భూములను సాగుచేసినారు. కాని ఈ తుపానువల్ల వారి కృషి అంతయు నిష్ఫలమై పోయినది. తిరిగి వారు వ్యవ సాయము చేసుకొనవలెనంటే పెట్టుబడికిగాను కొంత డబ్బు కావలసివస్తుంది. వారు ఇదివరకే అప్పులొబడి, దానిని తీర్చుకొనుటకు అవకాశము లేకుండా ఉన్నాడు. అటువంటివారు తిరిగి ఇప్పుడు ఇతరులవద్దనుంచి అప్పు తెచ్చుకోవడం కష్టము. వారికి అప్పు పుట్టడంకూడా చాలా కష్టము. ఇటువంటి పేదరైతులకు అప్పు ఇవ్వడం చాలా అవసరము, లేనిచో వారు రెండవ వంట పండించుకోలేరు. కాబట్టి ఇటువంటి వికరీత పరిస్థితులలో భూమిలేని రైతులకుకూడా వెర్సనల్ హామీమీద, తక్కువ అప్పులు కచ్చుటకు వున్న అడ్డంకుల సన్నిహితి తొలగించవలసినదని ప్రభుత్వమువారిని కోరు చున్నాను.

“మాజిల్లాలో సముద్రప్రాంతములో ఉన్నటువంటి అమలాపురం, రాజోలు, కాకి నాడ తాలూకాలలోని సముద్రతీర ప్రదేశములు ఉప్పునీటి కెరటమువలన తీరమునుంచి అయిదు మైళ్లవరకుఉన్న భూములన్నియు మునిగిపోయినవి. భూములలో ఉప్పు నీరు నిలువడం ఉండుటవలన అవన్నీ ము చాడువేసిపోయినవి. ఈచాడు పోవేనేకాని ఈ భూములలో తిరిగి ఏ వైరులైనను నేడ్యము చేయలేము. ముఖ్యంగా వచ్చే రెండో వంట పండించడం సాధ్యంకాదు. కాబట్టి ఈ చాడును కడిగివేయుటకుగాను ఈ భూములకు వెంటనే తీపినిటిని ఇప్పించాలి. ఇది అత్యంత అవసరము, లేనిచో అనేక వేల ఎకరాల భూమి పాడైపోతుంది. ఈ అవసర కొరత విరృద్ధిప రోజులలో అనేకవేల టన్నుల బియ్యము ప్రజలకు దొరకకుండాపోతుంది. కాబట్టి యీ విషయాన్ని ప్రభు త్వవారు శ్రద్ధగా ఆలోచించి వెంటనే ఈ భూములకు తీపినిటిని ఇప్పించవలసినదని

[Sri T. Purushotham] [15th November 1949]

మరియు ఇంకా అనేక ప్రభుత్వంవారికి మనవిచేస్తున్నాను. ఇంతకాకుండా ఈ సమస్యను పరిష్కరించుటకు చర్యలు తీసుకోవాలి. జరిగిన దానిని పరిశీలించి, ప్రభుత్వం వారి వద్ద ఉన్న సమాచారం ప్రకారం, వలసలు, పంటలు, మొదలైనవి సమగ్రము పొంగుతున్నవని తెలుసుకోవాలి. అనేకమంది ప్రభుత్వ ప్రాజెక్టుల రక్షించుకోవడానికి ప్రభుత్వం చర్యలు తీసుకుంటుంది. పంటలను పోషించే స్థితి వచ్చినది. వారిలో కొంతమంది ఇంతవరకు కూడా కనిపించలేదు. ఎంతమంది వనిపోయినారో కూడా తెలుసుకోవడం కష్టం ఉన్నది. ఈ ప్రభుత్వం ఉండటానికి గుడిపెగాని, ఈ కలికాలంలో కష్టం వానికి గుడ్డగాని, తినడానికి అన్నముకాని, ఇంకా ఏ ఇతర సామానులుకాని లేకుండా పోయినవి. ముఖ్యంగా వారి జీవనాధారాలున్నవంటి పంటలు, తేనెపండ్లు, వలసలు పోయినవి. వారు మరల యథాప్రకారంగా చేపలు తీసుకోని జీవించటానికిగాను ప్రభుత్వంవారు వారికి వెంటనే వలసలు అమ్మి వేయాలి. కూరలు, పంటలు కట్టుకోవడానికి, కలప వారికి ఇప్పించడం అత్యవసరం. కాబట్టి ఈ విషయాన్ని కూడా ప్రభుత్వంవారు వయోజనానుసారం చర్యలు తీసుకోవాలి.

“అంతకాకుండా సమగ్రతీరప్రాంతానికి దూరంగా ఉన్నటువంటి ప్రదేశములలో నదుల వరదలవల్ల తుపానువల్ల భూములన్నియు పూర్తిగా మునిగిపోయినవి. ముఖ్యంగా బసంగి వంటివి చాలా చెబ్బితిన్నవి. చేలు చాలారోజులవరకు నీటిలో ఉండుట వలన గింజలు పాడైపోయినవి. గడ్డి కుళ్లిపోయినది. అంతకాకుండా ఇతర పెద్ద కంటు వరిచేలుకూడా వర్షమువలన, గాలివలన గడ్డి చెబ్బి తిన్నవి పువ్వురారాల్ని పోయినవి. వరిచేలలో పొల్లే పోయిపోయి ఉంటుంది. చేలు కోసే మార్పినట్లే ఇది వరకు ఎకరానికి 20 బస్తాలు అయి భూములలో ఇప్పుడు రెండు బస్తాలుకూడా ఉండవు.”

MR. PRESIDENT :—“ మీ సూచనలను చెప్పండి ”

SRI T. PURUSHOTHAM :—“ ముఖ్యంగా ప్రభుత్వంవారు డెల్టా ప్రాంతాలలో విశేషంగా నష్టపడినటువంటి రైతులు ఈ సంవత్సరం రెండో కంటు పండించటానికి నీరు ఇప్పించాలి. ఈ విషయాన్ని గౌరవనీయులగు రెవెన్యూ శాఖ మాత్రమే శ్రీ సీతారామ రెడ్డిగారితో మనవి చేసినాను. ఈ విషయాన్ని వారు గౌ. భక్తవత్సలం గారుకూడా పరిశీలించవలసినదిగా కోరుతున్నాను. రెండవ కంటుకు నీటిని supply చేసే విషయంలో ఇప్పుడు zonal system అనే విధానము అమలులో ఉన్నది. దీనినిబట్టి ఓక్స్-క్ల-గ్రామములో కొంతభాగమునకు మాత్రమే రెండవ కంటుకు నీరు ఇస్తున్నారు. ఈ rotational crop system వలన ఒక సంవత్సరం కొంత భూమిలోను మరొక సంవత్సరం మరొక కొంత భాగంలోను రెండవ కంటు పండిస్తున్నారు. అంతకాకుండా మా కాటాకాలలో కొన్ని excluded areas లు కూడా ఉన్నవి. ఇటువంటి భూములకు రెండవ కంటు పండించుకొనుటకు నీరు ఇవ్వరు. ఈ భూములు zonal system లో నుంచి మినహాయించబడినవి. కాబట్టి జిల్లాలో ఉండే Executive Engineer లు, జిల్లా కలెక్టర్లు zonal system మీద ఆధారపడక ఎంత ఎక్కువ భూమిలో రెండో కంటు పండించుటకు ఏలు కలుగుతుందో అంత భూమిలోను నీరు సాగు చేయటం ఏలు కలుగజేయవలెనని ఉత్తరువులు జారీచేయవలసిగా కోరుతున్నాను. కాల్కొలికంగా zonal system నుకూడా suspend చేయవలసినదిగా రెవెన్యూ శాఖ మాత్రమే మనవి చేస్తున్నాను.

“ఈ సంవత్సరం కంటులు పూర్తిగాపోయిన కారణంచేత, పెద్ద రైతులు, చిన్న రైతులు వారికి ఉన్న అప్పులను తీర్చలేరు. కాబట్టి రైతులు భూమి తనఖా కాంట్రాక్టు ఇతర సంస్థలకు ఇవ్వవలసిన అప్పులయొక్క ఈ సంవత్సరపు instalment లు వేరీం

15th November 1949] [Sri T. Purushotham]

వలసిన కాలము పొడిగించే ట్టు చేయడం అత్యవసరం. అందుకుగాను గౌరవ మంత్రి వారు మారిటోరియం ఇప్పించ గోరొచ్చును. ఈ విషయాన్ని పోలీస్ చేయించి తగిన ఉత్తరువులు వెంటనే జారీ చేయించవలసినదిగా సహకారశాఖ మాత్రమే గౌ. చంద్ర మౌళిగారిని నేను కోరుతున్నాను.

“ఈ సందర్భంలో ఒక్క ముఖ్యమైన విషయాన్ని మనవిచేస్తాను. తుపాను సంభవించిన తరువాత మా జిల్లాలో ఆపారమైన నష్టము సంభవించినదని ప్రతికల్పాల ప్రకటించిన వార్తలు exaggerated చేయబడినవని ప్రధాన మంత్రిగారు వెల్లడించినట్లు ప్రతికల్పాల చూచినాము. ఇది చాలా విచారించవలసినటువంటి విషయము. ఇది వరకు చూచు ప్రభుత్వం ఉన్నప్పుడు ప్రజా ప్రతినిధులకు ఏమి సమాధానం సంజాయిషీ చెప్పవలసి ఉంటుందో అనే భయంతో వారు ప్రజాధిపాయానికి ప్రతికాళిప్రాయానికి తలపాడుకూ ఉండేవారు. కాని ప్రజా ప్రభుత్వం వచ్చిన తరువాత ఈ భయం పూర్తిగా తొలగిపోయినట్లున్నది. ఈ ప్రభుత్వంవారికి తమ ఉద్యోగస్థుల రిపోర్టులే కాని ఇతర non-officials యొక్క సలహాలు ఎంతమాత్రము చెవికెక్కవు. ఉద్యోగస్థులు చెప్పినదానిపైననే వారికి నమ్మకము. ఇవివరలో చూచు ప్రభుత్వము ఉన్నప్పుడు మనమందరము ఆ ప్రభుత్వము ప్రజాధిపాయానికి విలువ ఇవ్వటంలేదని వారి ఉద్యోగస్థులు ప్రజల ఎడల నిర్దాక్షిణ్యంగా ఉన్నారని వారిని విమర్శించాము. ఇట్టి విమర్శకు ఈనాడు అవకాశం లేకుండాపోయింది. ఈనాడు జిల్లా లో ఉన్న ఉద్యోగస్థులు పాత పద్ధతులనే అవలంబించుచున్నారు. 150 సంవత్సరముల కాలము నుంచి వారు ఈ పరిపాలనా విధానానికి అలవాటైపోయినారు. ఒక్కసారిగా వారిలో మార్పురావడం సాధ్యంగాదు. కాబట్టి ప్రజాధిపాయానికి కూడ మన ప్రభుత్వంవారు విలువ ఇవ్వడం అత్యవసరం.

“ముఖ్యంగా రెండవ కంటు పండించుటకు నీరు ఇప్పించడం, రైతుకు వ్యవసాయం చేసేకొనుటకు కావలసిన ఇతర సౌకర్యములను కలుగజేయడం వెంటనే ప్రభుత్వంవారు చర్య తీసుకోవలయును.

“ఈనాడు వ్యవసాయ కూలీల పరిస్థితి చాలా అభ్యాన్నముగ నున్నది. తినుటకు తిండిలేక వారు మలమల మాడిపోతున్నారు. ఈ చరిత్రలలో ఒంటిని కట్టుకోవడానికి అవసరమైన గడ్డ లభ్యం కావటం లేదు. కాబట్టి వారందరికీ రేషన్లు, బట్టలు ఉచితంగానైనా లేక సరిసరిగా భరణిస్తేనను ఇప్పించే విధానాన్ని చేయించగోరుతాను. అవసరమైనట్లయితే ఈ ఖర్చులను చేయకూడదు. రైతు కూడా కోట్ల రూపాయలను రెవెన్యూ రిజర్వు ఫండులోనుంచి అయినను తీసి వెచ్చించుటకు ప్రభుత్వం వెనుక ముందాడవలసిన అవసరంలేదు. ఈ విషయమై సందేహించకడ్డ Finance Minister గారిని కోరుతున్నాను. ఈ రెవెన్యూ రిజర్వు ఫండు అసాధారణ ప్రమాదములు సంభవించినప్పుడు ప్రజాసీతాన్ని కాపాడటానికై ఉపయోగించడంలో ఏమాత్రం తప్పు లేదు. ఇటువంటి పరిస్థితులలో వెచ్చించుటకే ఇటువంటి నిధులు విచ్చాటు చేయబడినవి. అవసరమైనట్లయితే ఆ డబ్బులోనుంచి రెండు, మూడు కోట్ల రూపాయలవైనను తీసి ఖర్చు పెట్టవలసిందని కోరుకూ నెలపు తీసుకొంటున్నాను.”

* SRI N. RANGA REDDI :—“ Mr. President, Sir, coming 5.15 as I do from the Cuddapah district, which is one of the districts p.m. affected by the recent cyclone, I would like to express my heartfelt thanks to all the hon. Members of this House who have profusely expressed their sympathy. But, at the same time, I would like to mention that this sympathy should be translated into action. It is no doubt true that Members of this House in the Opposition

[Sri N. Ranga Reddi] [15th November 1949]

might dissociate themselves from this in the sense that they have nothing to do and it is the duty of the Government. But, as this is a national calamity—as the hon. Members have themselves said, people need not divide themselves as belonging to one part which has not suffered by this calamity and another part which has suffered by this calamity, and no distinction of caste or creed ought to be made. I am really grateful for the noble sentiments that have been expressed by the hon. Members. Then, Sir, I would like to impress upon the House that it is not only in a national calamity like this that no distinction ought to be made, but even in normal occasions these distinctions ought to be abolished. While, I say this, I would like to emphasise that the whole of the Presidency is not the same so far as material prosperity is concerned. There are poor tracts, there are backward tracts and there are rich tracts.”

MR. PRESIDENT :—“ May I request the hon. Member to confine his remarks to the damage caused by cyclone and suggestions to the Government how to improve the conditions. All these points are no doubt important and may be good and relevant to other occasions rather than the present one, discussion of cyclone. I would very much like the hon. Member to confine his remarks to the damage caused in Cuddapah and suggestions to the Government how to alleviate them.”

* SRI N. RANGA REDDI :—“ Sir, I say that these points have a bearing on the present discussion. For instance, the communications had been disrupted in the Cuddapah district. It takes a long time to repair this damage. I know the Government are going to impose certain conditions on the Cuddapah District Board or the local bodies. I say that the people of the district are poor and they cannot bear any huge expenditure. I lay emphasis on this aspect and want the Government to take up the work entirely by themselves and repair the damages whatever may be cost. It is in this light I wanted to say that no distinction ought to be made with regard to normal times also and urgent measures are to be taken up for the welfare of the people. I submit, Sir, that a note has been prepared by the Government for the information of the Members which lays special stress on the fact that some damage has been caused to some of the roads. As far as the roads are concerned, the Development Commissioner for Rayalaseema who has been appointed by the Government has prepared a report. In this report, it is stated that it is difficult to construct good roads in Cuddapah and to maintain the same. The Pennar Causeway has been damaged to a great extent beyond all repair and any repair that is contemplated by the Government would only be a patchwork. The Divisional Engineer also has visited the place. Subsequently on account of the cyclone this causeway has been damaged further and it is irreparable. I say that this is the proper time to completely replace this causeway by a permanent bridge. I have been suggesting this and the Collector has been suggesting this and the people have also been suggesting this. But somehow, the present Government as well as the previous

15th November 1949] [Sri N. Ranga Reddi]

Government have turned a deaf ear to this suggestion and have not undertaken the work of constructing a bridge over the Pennar river. I submit that whatever money that is spent at present over the repair of the Pennar Causeway will be useless. There is some scheme which says that the bridge will be constructed somewhere between 1951 and 1956. But this does not prevent the Government from advancing the scheme and taking up this work immediately. This is the proper time and I request the Government to take up this scheme immediately and construct the bridge.

“ So far as the roads are concerned, I may submit that the roads that are passing through the Cuddapah district are few and far between. As I have already said, it is difficult to make good roads in the black cotton soil and to maintain them. There are very few good roads in the Cuddapah and Kurnool districts. Recently, I was travelling in a car in the trunk road in the Cuddapah district. The road was in such a damaged condition that my car was very badly hit and I could not proceed further. I am mentioning this only for the purpose of showing that even the road that is called trunk road is in such a bad condition and want to urge that the roads in the district are not at all motorable. Therefore I request the Government to take up this work immediately and see that the roads are put in a proper condition, whatever be the amount that is necessary for this purpose.

“ With regard to irrigation channels, no doubt the Government have done something and I am really grateful to the Government. On another occasion in the Provincial Food Advisory Committee, I made a remark that the Government were very slow in tackling this question. I would like to express my apology for making that remark. No doubt, it is true that the Government have done something to which I am really grateful. But there are many more things that ought to be done. For instance, take the case of the Gurrampad Channel. People dependent on this channel cultivated their lands and expected that the crops might grow well and they would have a good harvest. Subsequently, on account of breaches, the crops withered and the thing that the people hoped did not come to fruition. I request the Hon. Minister for Public Works to see that the damage caused to this channel is repaired immediately whatever might be the cost. I completely associate myself with the suggestions made by my friend Mr. Narayanaswami Naidu and would say that the peasants have been suffering very much and the Government ought to do whatever lies in their power to help these poor peasants.”

* SRI N. SANKARA REDDI :—“ Mr. President, Sir, I rise 5-30 p.m. to observe that this is a national calamity which calls for immediate action and if neglected it may lead to a national crisis in the matter of food as the area affected is a food growing one and it is twice hit by cyclones. There are people who have lost their all, food-stuffs, cattle and crops. There are villages which were most unexpectedly flooded by rivers like Krishna, Tungabhadra, Elleru, Kunderu, Hunderu, Pennaru and a host of others. The floods overtook the people so suddenly that they have lost all their property including

[Sri N. Sankara Reddi] [15th November 1949]

food-stuffs. The relief given by Government to these people by way of cash grants of rupees five and ten is not relief at all. Of course, loans are given up to Rs. 500 per head or per family in Kurnool district. Here again, the grant is quite inadequate. For example, a bull in Kurnool costs not less than Rs. 400, and people here have lost nearly two-thirds of their cattle wealth. In these circumstances, I do not know how it is possible to repair their losses and rehabilitate them. The rivers passing through the villages like Madugula, Sangameswaram, Beeruvolu and others have over-flowed and destroyed huge property. People here were marooned and they had to be removed from the small 'islands' with the help of basket boats. Sir, the plight of the weavers in my district is almost very pitiable. In these days the weavers are economically very bad and are having only a hand-to-mouth existence. Their only property are the houses they dwell in and most of these houses have collapsed and come down. The ordinary ryot who has at least something to fall back upon can withstand such a loss and can reconstruct another dwelling place for him with the help of the implements and other materials he possesses. But these weavers are of little or no means and have nothing to fall back upon in the event of a such a calamity. Hence their condition is worse than others and they must be afforded greater relief. After all, it is these people that supply cloth for the country and therefore deserve to be treated better in the matter of relief. Now I shall turn to the roads that were damaged by the cyclone. My friend Mr. Ranga Reddi has already said that many roads have been seriously damaged, Sir, these call for immediate repairs as on their proper upkeep to an extent depends our food production. Besides, many distributory channels have also been damaged which also have to be repaired at once. Sir, it will be seen that the damage caused by the cyclone is very great. Our Premier perhaps thought in the beginning that the reports about the cyclone havoc were grossly exaggerated. But I am sure by now he would have revised his opinion, having seen the reports submitted by the District Collectors and the Board of Revenue as they are nothing but tales of woe. I am sorry, Sir, that no Minister has so far visited the affected areas in Kurnool to see how relief work is being done. I think a visit by the Hon. Ministers will expedite relief measures. I hope at least now some of them will visit the districts affected by the cyclone and see what relief is given, what more is needed, and in what manner that relief should be afforded."

MR. PRESIDENT :—" Is the hon. Member Dr. John making a speech on his amendment? "

DR. V. K. JOHN :—" No, Sir. I shall only read the amendment—

'and on such consideration this Council resolves that this Council recommends to the Government that the Government be pleased to spend as much as is necessary and as much as is possible for giving immediate relief to those who have suffered by the cyclone.'

Sir, I am emphasising the words 'spend' and 'immediate'. The Government must spend the amount and relief must be immediate and not delayed."

15th November 1949]

* THE HON. SRI H. SITARAMA REDDI :—" Mr. President, Sir, let me at the outset express my thanks to the various hon. Members for the many constructive suggestions that they gave and also for the information that they tried to give to the Government in addition to what was already furnished in my statement yesterday. I must make it clear, Sir, that what has been furnished already was what we had at the time we went to the Press, and certain reports are likely to have been received subsequently. So, it need not be taken that if certain places or certain areas have not been mentioned, it is not as though no damage has taken place in those parts. If there had been any damages anywhere, the local officers who have been asked to tour those places will certainly take note of them and send a report to Government. Let me, therefore, assure this House that the Government are as anxious as hon. Members here are, to see, that redress of distress is done speedily and effectively. We believe only in speedy and effective relief. I need not therefore reiterate what we have already done in the matter of relief. In fact, my statement covers all this in detail, and I thought by moving this motion I could clear the minds of the hon. Members about the urgency with which Government acted in this matter. Sir, let me now recount what we did as soon as the news of the cyclone was received. I personally tried to contact the Collectors in the various districts by telephone but unfortunately, as I have already stated, telegraphic and telephonic communications were interrupted and we could get into touch with them by wireless alone. It took nearly two to three days, I remember, to restore the communications throughout the districts affected. So, there was some delay naturally in getting information. As you are aware, Sir, the cyclone hit the districts on the 27th and the 28th of last month. Today is the 15th of November and the statement I furnished was based on information received on and up to the 10th of this month. It is possible that the information was not full or complete; but as I have assured you, Sir, we have been trying to contact every District Collector and get all the information. So, no member need feel that if there is any omission in the mention of places damaged, Government will not take care of that area. There has been another criticism, Sir, that Ministers have not rushed to the places affected by the cyclone. May I remind hon. Members that two of the Ministers did go and visit the affected areas? They are the Hon. Mr. Chandramouli and the Hon. Mr. Parameswaran. For my part, Sir, I personally felt that by expediting the orders sanctioning relief from here, I could render better service to the victims than by visiting the places. (An hon. Member : 'The Hon. Mr. Chandramouli visited the Guntur district.') Yes, Sir, Guntur also was one of the affected districts. I also felt, Sir, that it would be better if I sent the Members of the Board of Revenue to tour the places as they are all experienced officers who have had occasions before to deal with such disasters and who would be in a position to issue orders on the spot to the local officers to provide immediate relief to the poor victims. Sir, it is with this end in view that I asked the four Members of the Board of Revenue to visit and inspect the affected areas and it was not as though the

[Sri H. Sitarama Reddi] [15th November 1949]

Government were indifferent about the calamity. I should certainly like to deny the charge that has been sought to be made that the Ministers are indifferent. On the other hand, I may tell hon. Members, the Government have been very very anxious about the situation in those districts and as I have already said, I had to spend anxious days even to get information by wireless. Also I was keeping in touch with the various departments that were attending to relief work—the Public Works Department, the Public Health Department and the Revenue Department.

"Sir, some members have said that the cash grants sanctioned are very small, and asked how it was possible with such small sums to meet such a grave situation. I should like to tell hon. Members that the amount that was sanctioned was only for immediate relief, to enable the people to buy for example, some rice or some palmyra leaves for raising huts or the like. The question of giving them substantial relief is always there. Besides, there is the question of remission which will also be taken up for examination. So, let there not be any feeling in the minds of hon. Members that the amount sanctioned is very small compared to the magnitude of the calamity.

"The Leader of the Opposition suggested that the Government could have very well constituted a permanent fund to meet situations like this. Sir, I would like to invite hon. Members' attention to the fact that there is what is called the Famine Relief Fund and under that Fund we have got today 88.44 lakhs of rupees. This amount is intended to be spent only whenever there is necessity for it, i.e., if there was a famine upon the land or a cyclone. So the idea of having necessary funds in reserve in such emergencies has already been taken note of by the Government of the day as well as the previous Governments. In fact there had been an Amending Act in 1938 to the Madras Famine Relief Act of 1936.

"Sir, there has been another suggestion made about the remission of land revenue. It has been suggested that the Government should be very liberal in ordering remissions. Sir, I should thank Dr. A. Lakshmanaswami Mudaliar for the correct lead that he gave in the matter. It is not a question of just granting remissions because somebody shouts the loudest. There is what is called the Ajmash. We have asked the Collectors and the Revenue Divisional Officers to assess the extent of damages. There are also the revenue rules to grant remissions in such cases. In addition to all these, as I have already made clear in my statement, Government want to be liberal in this matter because they realize the magnitude of the sufferings of the people and let me assure you once again, Sir, that the Government intend to be very very liberal in all deserving cases. I may also tell Dr. Lakshmanaswami Mudaliar that because somebody shouts, we are not going to be cowed down and made to yield to him. Relief will be given on a scientific basis as has been done previously and will be based upon real needs of the people and the extent of their losses.

"Sir, there was another complaint, if I may say so, by hon. Members that the interest free loans of Rs. 500 will not be sufficient and at least it must be made Rs. 1,000. The Members of the Board of Revenue had consultations with the District Collectors

15th November 1949] [Sri H. Sitarama Reddi]

in this matter and after touring the affected areas extensively made this recommendation which Government have accepted. But if there is any need in any particular case for enhancing these interest-free loans, I can assure hon. Members that it will be examined with sympathy."

AN HON. MEMBER :—"What about interest-free loans for the landless people?"

* THE HON. SRI H. SITARAMA REDDI :—"The Government are giving such loans only by way of help to the people who have been adversely affected by the cyclone. The suggestion that interest-free loans should be given to a particular class will have to be examined and it is a question about which I cannot give any assurance because Government money is public money and when public money is utilized, it must be done on a proper and reasonable basis for Government owe a duty to the public. They owe a duty to the entire public as the money to the Government comes from the public. We must use the Government resources in a way that will ensure its return. If it is called a loan, we must see that we ensure conditions which will enable us to collect the loan. That is why I cannot give an assurance about these kinds of loans. 5.45 p.m.

"Then several hon. Members pressed the need for repairing irrigation sources. They also said that the repairs must be taken up speedily. As I have already said, my Hon. Colleague the Minister for Public Works, has already taken up the matter and instructed the Public Works Department to speed up the repairs to all tanks whether they are in the zamindari areas or non-zamindari areas. There should be no distinction, not even waiting, to consult even the zamindars about these repairs. We have instructed that the first thing to be done was to repair the tanks and the question of who is to bear the cost, etc., should be examined later. We feel that unless these tanks and irrigation sources and channels are immediately repaired, the food position of the entire Province is bound to suffer.

"Then the question has been raised about supply of water for the second crop. Even on that question we have instructed the Public Works Department to give highest priority and make water available for the second crop in the cyclone affected areas. Hon. Member Mr. Purushotham made some suggestions about certain policies that have already been decided upon and that they may stand in the way of giving water for the second crop in certain areas, certain blocks and certain zones, and all that. I have not examined all the aspects of it. I can only tell him that if it is not an obstacle and does not mean any loss to any other *Ayacutdar* who is entitled to that water, there is no difficulty in accepting the suggestion. But if it involved the infringement of the rights of other people who are entitled to irrigation, it would be difficult because we cannot deprive another man of his rights. I can only assure the House that the Government will not spare any pains to see that as much of water as possible is supplied for the cultivation of the second crop.

"Then there was certain criticism made that food was not available. I think . . ."

[15th November 1949]

MR. PRESIDENT :—" Certain amendments were given. The Hon. Minister may deal with them."

* THE HON. SRI H. SITARAMA REDDI :—" I shall deal with them presently, Sir. Certain criticism was made that food was not available in the affected areas. I have got a note from the Food Department which gives the stocks of rice on hand in the various districts, available with the Government procuring agents including millers as on 5th November 1949. In Visakhapatnam, the stock was 6,262 tons. The weekly off-take was 875 and the stock would last for seven weeks. In East Godavari the stock was 6,111 tons which would last for six weeks at the rate of 997 tons of off-take every week. In West Godavari the stock was 7,194 tons. The weekly off-take was 846 tons and the stock would last for eight weeks. In Krishna the stock was 4,861 tons which would last for four weeks, the weekly off-take being 1,193 tons. In Guntur the stock was 6,874 tons. The weekly off-take was 1,188 tons and the stock would last for five weeks. In Nellore the stock was 4,612 tons which would last for 16 weeks, the weekly off-take being 274 tons. I am bringing this to the notice of the House as there is a feeling that there is no adequate stock of rice. Most probably, Sir, the difficulty has been that the matter of distribution has not been properly tackled. I have this morning, when this was brought to my notice, instructed the Secretary, Food Department, to contact the Collectors of all these districts by telephone and to instruct them to see that this complaint about non-availability of rice in some areas is removed immediately. He tried to get them over the phone but could not do so. Urgent messages have therefore been sent. I hope, Sir, this difficulty would have been removed by this time or very shortly; in a couple of days or at the most in three days."

" Then, Sir, it was asked whether the Government have got any figure on the extent of damage and all that. As I have already said it could not be collected within a week that we have had. The figures will certainly be collected. As I have already said, necessary special staff will go and then assess the amount of damage, the area damaged and then the question of what remission can be given and what other help should be given, will all be taken up. The area affected is very vast and naturally it will take some time before we can assess properly the damage done."

" Hon. Member, Mr. Narayanaswami Naidu, in his first amendment has suggested that the Hon. Minister for Public Works should give an assurance about the Budameru project. I am sure, Sir, he won't press this amendment because the Government, as has already been made clear by the Hon. the Minister for Public Works, have a scheme ready for that. But I believe, it was put off on the ground of Ramapadasagar project coming or on some other ground. But, Sir, in view of this cyclone and in the light of the views expressed by the Hon. Members of this House, this will certainly be examined and done—so much for the Budameru which is called the villain of the piece."

" Then, Sir, the other question is crop insurance and state-aided corporation. Sir, I have got the fullest sympathy for this idea. In this country the greatest handicap for the agriculturist

[15th November 1949] [Sri H. Sitarama Reddi]

has been the lack of crop insurance and also cattle insurance. It is a desirable and urgent reform, I concede. But I am sure the hon. Member would agree with me that at the present moment as we are situated and as things are, this problem cannot be immediately tackled because of the vast areas in which this crop insurance has to be worked and also the disbursal of the cattle in a large area. These have to be taken up. But, Sir, at present, I can only express the greatest sympathy and agreement about the idea."

" Now, about the amendment suggested in (c), viz., that all ryots whose holdings were submerged with water flowing over the head of the paddy crop for at least two days, be given interest-free loans at the rate of Rs. 100 per acre repayable in yearly instalments by not less than five years and other ryots, whose holdings were partially submerged, be given remission of rent or revenue, I cannot give an assurance that everything that has been suggested there could be done. We have already stated that the question of remission would be examined. Now, I am sorry, I cannot accept this suggestion of giving Rs. 100 per acre because I do not know the vast amount that may be required. It must also depend on the capacity of the Government to do that. I can only assure this, that so far as the loans are concerned, as I have already said in regard to these interest-free loans, instead of Rs. 500, if there are cases where there are special considerations, they will be examined. Then, Sir, this state-aided flood damage corporation. As I have already said, there is under the Famine Relief, a fund. The amount is there and so I do not think, Sir, there is need for pressing this amendment. And then lastly it is suggested that the procurement or export of paddy or rice from the Circars be immediately stopped till the next crop. Sir, we hear the hon. Member coming from West Godavari, Mr. Narayana Rao telling that even this year after the second crop a lakh of tons would be available for procurement. So, Sir, the procurement will certainly depend on the availability and our officers will be instructed by the Food Department to see that there is no harassment in the matter of procurement and nobody who is unable to surrender or give, is harassed. But it will be difficult for me to say that till the next crop there should be no procurement. There is another aspect of it, Sir, that has to be taken into consideration. If there is plenty available, the ryot himself would be anxious to dispose of the paddy that he has got."

AN HON. MEMBER :—" Fair prices."

* THE HON. SRI H. SITARAMA REDDI :—" We are paying fair prices. I am sure, Sir, these amendments would not be pressed. Then, Sir, about the amendment of the Leader of the Opposition that 'on such consideration this Council resolves that this Council recommends to the Government that the Government be pleased to spend as much as is necessary and as much as is possible for giving immediate relief to those who have suffered by the cyclone', we will spend as much as is necessary and as far as possible. I can give him that assurance. I am sure the hon. Members will withdraw their amendments that they have moved."

AN HON. MEMBER :—" Withdrawn."

[15th November 1949]

MR. PRESIDENT :—" You are prudent in withdrawing seeing the empty benches on the back."

* THE HON. SRI H. SITARAMA REDDI :—" It was very properly said by Dr. Lakshmanaswami Mudaliar that the havoc caused by the cyclone was not the loss of one area, but a national loss. I am glad that hon. Members of this House have expressed the same sentiment. May I hope that everybody in the Province will view it as a national calamity and come forward to help in the rehabilitation of those who have suffered and so far as the Government . . ."

AN HON. MEMBER :—" Sri R. K. Patil was here and may we have particulars of what his views were."

* THE HON. SRI H. SITARAMA REDDI :—" I do not look into some other peoples' mind. I have had no discussion with him on this matter. I cannot answer for Mr. R. K. Patil because you see, Sir, he came on a specific purpose. I do not want to go into the matter and I do not think any particular purpose would be served in going into the matter. Sir, I would again like to emphasize the national loss and how it is very necessary for every area of the Madras Presidency to see that those people who suffered in that area are quickly rehabilitated and there is less discontent. I fully associate the Government with the idea and I expect that everybody would certainly co-operate in making the work of relief as successful as possible. It is not merely a question of monetary contribution but willing and sincere service that is important. Money will be collected. How best it could be collected and how best it must be utilized for the purpose of these people really deserve attention. It should not be wasted. I am sure, Sir, and I hope, when the question of relief and contribution comes, everybody from the Presidency would respond."

" It is proposed to call a Sheriff's meeting on the 24th or 25th of this month to appeal for relief and constitute a committee. I believe it would be then decided as to the name of the fund, where it must come from, and how it is to be done, etc. Sir, let me once again thank the members of the House for the very constructive and helpful suggestions that they have made and I am sure, Sir, that not only the Government but the people of the area who have suffered this loss will be grateful to the members who have expressed their sympathy in their sufferings."

MR. PRESIDENT :—" Amendments are either withdrawn or are not pressed. The motion is talked out. The House will now adjourn and meet on the 17th."

The House adjourned.

15th November 1949]

APPENDIX

[Vide answer to starred question No. 20 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 15th November 1949, page 301 supra.]

PRESS NOTE NO. 101, DATED 30TH MAY 1949.

Groundnut oilcake—Regulation of inter-district movement.

Consequent on the decontrol of procurement and prices of groundnut oilcake in January 1949 it has become more necessary than before to regulate the movement of the cake so as to render available supplies throughout the Province. For this purpose the districts have been classified into two groups as shown below in consultation with the South India Oil Mill Owners' Association :—

Group A (surplus districts).	Group B (deficit districts).
North Visakhapatnam.	East Godavari.
South Visakhapatnam.	West Godavari.
Guntur.	Nellore.
Krishna.	North Arcot.
Bellary.	Tiruchirappalli.
Anantapur.	Tanjore.
Cuddapah.	Mathurai.
Kurnool.	Ramnad.
Chingleput cum Madras.	Tirunelveli.
South Arcot.	Coimbatore.
Salem.	Malabar.
Chittoor.	South Kanara.
	The Nilgiris.

Movements of the cake are allowed from districts in Group A to districts in Group B only, but inter-district movements in Group A or in Group B or movements from Group B to Group A are forbidden. The millers in the districts included in Group A can obtain standing permits from the District Agricultural Officers concerned for consigning supplies to the districts comprised in Group B. Contravention of these restrictions will be a violation of the provisions of the Madras Oilcake Movement Control Order.

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 17th November 1949.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Non-availability of court-fee stamps of some small denominations in Bellary.

* 20-A Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that court-fee stamps of small denominations, other than three annas and one-rupee, are not available for sale by stamp vendors in Bellary for the last two to three weeks ;

(b) whether, as a consequence thereof, the parties are obliged to affix three annas court-fee stamps to copy stamps instead of two annas court-fee stamps and sustain a loss of two annas in respect of each copy stamp ;

(c) whether it is a fact that the Collector of the district has prohibited stamp vendors from issuing single copy stamps and instructed them to issue double copy stamps only affixing the requisite court-fee stamps on the reverse side of the copy stamps ;

(d) whether the parties are incurring loss in numerous cases, where the front page of the copy stamp only is written upon and the reverse side is kept blank ; and

(e) whether the Government have considered the matter and are issuing instructions to Collectors to cancel the prohibition referred to in clause (c) above and permit stamp vendors to issue as many single copy stamps as the parties may require ?

THE HON. SRI H. SITARAMA REDDI :—“(a) & (b) No information is available with the Government in the matter, but a report has been called for from the Collector of Bellary.

“Under existing orders, the copying fee for the embossed page of the copy stamp paper is three annas and for the reverse page the fee is three annas when the number of words written does not exceed 176 and when the number exceeds 176 the fee is four annas. The fee for the reverse page is paid by means of affixture of court-fee stamps.

“(c) & (d) No information is available with the Government and they are awaiting the Collector's report.

“(e) The question will be examined on receipt of the Collector's report.”

SRI B. BHIMA RAO :—“I put the question because we are feeling great inconvenience in Bellary for the last one month since

CONTENTS

	PAGES
I Questions and Answers	345-351, 435-456
II Adjournment motion on the impending partition of the Province.	361-364
III Message from the Assembly	364
IV (1) Election of one member from the Legislative Council to the South Indian Railway Advisory Committee	364
(2) Election of six members to the House Committee	364-365
Government Bill.	
V The Madras Maintenance of Public Order Bill, 1949 (L.A. Bill No. 24 of 1949)	365-434
VI Papers placed on the table of the House	434

[17th November 1949]

court-fee stamps of less than one rupee are not available in Bellary. Will the Hon. Minister see that court-fee stamps of smaller denominations are supplied to Bellary and issued to parties when they require? "

THE HON. SRI H. SITARAMA REDDI :—" I shall take immediate action in the matter."

SRI B. BHIMA RAO :—" May I request the Hon. Minister to issue instructions to sell single copy stamps also. Double copy stamps alone are sold and they refuse to sell single copy stamps. They issue double copy stamps affixing five to six annas on the reverse when only the front page is written upon."

THE HON. SRI H. SITARAMA REDDI :—" Sir, I do not know the exact position in the matter. As I have already stated I have called for a report from the Collector. I shall take early action in the matter."

MR. PRESIDENT :—" The hon. Member may see the Minister for further information in the matter."

SRI B. BHIMA RAO :—" I wrote a private letter to the Collector of Bellary two weeks ago which has not been acknowledged. That is why I put this urgent short notice question to the Hon. Minister. Will the Hon. Minister please see that the subordinate officials of government expedite action in matters like this where a loss of nearly Rs. 250 is sustained daily by the parties? "

THE HON. SRI H. SITARAMA REDDI :—" I quite appreciate the public service that the hon. Member is trying to do and I shall instruct the officers to see that immediate action is taken."

Production of Civil Courts certificates for obtaining copies of some public documents from the Revenue officers.

* 20-B Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that invariably Revenue Officers, such as Tahsildars and Deputy Collector in Bellary district insist upon production of a certificate from the Civil Courts about the necessity of parties producing certified copies of certain public documents in their custody, before they grant copies thereof;

(b) whether it is a fact that the District Judge of Bellary declines to grant such certificates as there is no statutory rule to do so; and

(c) whether the Government have considered the necessity to issue instructions to the Collector of Bellary district and subordinate authorities not to insist on the production of certificates as mentioned in clause (a) above for grant of copies of public documents?

THE HON. SRI H. SITARAMA REDDI :—" (a) to (c) Necessary information has been called for and has not yet been received. It will be furnished on receipt."

17th November 1949]

SRI B. BHIMA RAO :—" The Revenue authorities require certificates from the Civil Courts to grant copies of Revenue records. Such a practice does not prevail in Mathurai. May I know, Sir, why it prevails in Bellary alone? "

THE HON. SRI H. SITARAMA REDDI :—" Sir, I take the information, so far as the other districts are concerned. As I have already said, I have called for information and I will examine it. If the practice is wrong it would be set right."

Constitution of a new and separate judicial service.

* 21 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Premier be pleased to state—

(a) whether the Government of India have intimated their decision that in future the recruitment of higher judiciary such as District and Sessions Judges will not form part of the Indian Administrative Service;

(b) if the answer to (a) is in the affirmative, whether this Government have decided to constitute a new and separate Judicial Service;

(c) what the composition of such new Judicial Service will be;

(d) whether rules governing recruitment, scales of salaries, etc., have been framed; and

(e) whether the Government will place the rules on the table of the House?

THE HON. SRI K. MADHAVA MENON (on behalf of Hon. the Premier) :—" (a) Yes.

" (b) Yes.

" (c) The new Judicial Service will include the posts of District and Sessions Judges II Grade and some posts outside the time scale, if it is decided to include any.

" (d) No. The main principles governing recruitment, scales of pay, etc., are under consideration.

" (e) Does not arise."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, why the service includes only Grade II District Judges? What about Grade I District Judges? What is the difference between Grade I and II? "

THE HON. SRI K. MADHAVA MENON :—" First Grade District Judges are selection posts. Only two such posts exist."

Increasing the bed-strength in all the Government hospitals in the Madras City.

* 22 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Health be pleased to state—

(a) what the sanctioned strength of staffed beds in the various Government hospitals in the Madras City is;

[17th November 1949]

(b) what the average number of in-patients in these hospitals during 1948-49 was;

(c) whether it is a fact that in the General Hospital, Madras, orders have been issued by the Superintendent, reducing the number of in-patients in all sections of the hospital;

(d) whether it is a fact that as a result of the Superintendent's action, a large number of in-patients have been discharged;

(e) whether the Superintendent of the General Hospital took action under instructions from the Government or of his own accord; and

(f) whether there are proposals before the Government to increase the bed-strength in all City hospitals?

THE HON. DR. T. S. S. RAJAN :—“(a) & (b) A statement giving the particulars is laid on the table of the House.

“(c) No. There has been an abnormal increase in the daily average number of patients over and above the sanctioned bed-strength. In order to relieve the congestion in the hospital the Superintendent has issued orders reducing the number of in-patients in a few sections.

“(d) There has been no large scale discharges from the hospital. Some cases had to be discharged and admission restricted to keep up the daily average number at about 1,000.

“(e) The Superintendent acted of his own accord as it is a matter of day-to-day administration of the hospital.

“(f) No. The question of increasing the bed-strength of the General Hospital alone is under consideration, but the problem of accommodation in present financial conditions is difficult.”

SRI R. SURYANARAYANA RAO :—“In view of the increasing popularity of Royapetta Hospital, Sir, are there any proposals before the Government to increase the strength of beds in that hospital?”

THE HON. DR. T. S. S. RAJAN :—“What I have said in answer to (f) holds good for this question as well. The question of increasing the bed-strength of the General Hospital is under consideration. The problem of providing additional accommodation under the present financial conditions is very difficult. The same holds good for the Royapetta Hospital also.”

SRI P. R. K. SARMA :—“Just as there are hanging passengers in the buses, is there provision for patients on the floor between the cots in the hospitals?”

THE HON. DR. T. S. S. RAJAN :—“I do not know whether the analogy is correct—hanging passengers in buses?”
(Laughter.)

^a Printed as Appendix I on page 435 infra.

17th November 1949]

MR. PRESIDENT :—“Are they called hanging passengers?”

THE HON. DR. T. S. S. RAJAN :—“That is what the hon. Member says.”

MR. PRESIDENT :—“I think they are called standing passengers.”

THE HON. DR. T. S. S. RAJAN :—“With regard to these patients, of being put in between the beds, it is a matter of accommodation. Certainly it will be looked into and whatever is possible is being done.”

MR. PRESIDENT :—“Is the Hon. Minister for Transport hanging any men in his buses?” (Laughter.)

THE HON. SRI B. GOPALA REDDI :—“I wish I can.”
(Laughter.)

SRI B. BHIMA RAO :—“Are any beds provided in the verandahs of the hospitals as in the case of the Bellary hospital, Sir?”

THE HON. DR. T. S. S. RAJAN :—“Sir, it is done not in one hospital but in all hospitals.”

SRI P. R. K. SARMA :—“Will the Hon. Minister consider whether at least the necessary staff will be increased suitably to meet the higher demand?”

THE HON. DR. T. S. S. RAJAN :—“The staff is created more or less on the bed-strength of the hospital and on account of difficulty of accommodation it becomes too difficult to accommodate all the patients. Patients are being taken in as far as possible and necessary arrangements are being done to attend them.”

SRI P. R. K. SARMA :—“Is the Hon. Minister aware that complaints have been received regarding inadequacy of staff to attend to patients who are provided with beds on the floor?”

THE HON. DR. T. S. S. RAJAN :—“No. The Government are not aware of them.”

SRI B. BHIMA RAO :—“I see the strength in the Madras Tuberculosis Hospital is only 62 whereas in Bellary Sanatorium it is 210. Especially when the infection of T.B. is 70 per cent in Saidapet why is it, Sir, that the bed-strength is so low as 62 in the Tuberculosis Hospital, Madras?”

THE HON. DR. T. S. S. RAJAN :—“The Tuberculosis Hospital, is only one institution in Madras. With regard to admitting of T.B. patients, Tambaram Sanatorium is nearby and there is out-patients' attendance at the Tuberculosis Institute at Egmore. In view of all the facilities, the number is certainly less and it does not stand comparison with that of Bellary.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“Every hospital is over-crowded and nothing can be done to increase the

[17th November 1949]

accommodation at present. May I know, Sir, whether Government considered the possibility of opening a chronic and convalescent hospital near Madras as I understand that number of sheds have been vacated by the Military at Avadi? It may be possible for the Government to take it up. This would relieve, Sir, the extreme congestion within the City hospitals."

THE HON. DR. T. S. S. RAJAN :—" There have been proposals for opening a big hospital for chronic cases and the Government have been approached by more than one agency. With regard to the areas where lot of empty sheds have been vacated by the Military, the Red Cross Society is already moving in the matter. There is also the alternative proposal suggested by the hon. Member which is also before the Government. As soon as we come to a decision, I shall make a statement."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the staff, nursing, medical, etc., is adequate even to cater to the present strength given in the statements? "

THE HON. DR. T. S. S. RAJAN :—" I do not know to which particular hospital the hon. Member refers to. I have given the statement for the General Hospital. As far as this hospital is concerned, we have provided adequate staff."

DR. V. K. JOHN :—" Are the Government aware that in the General Hospital, and other hospitals there are as many patients lying on the floor as on the beds and there is no sufficient accommodation for patients? "

THE HON. DR. T. S. S. RAJAN :—" Sir, the Government are painfully aware of all these facts."

DR. V. K. JOHN :—" What steps have the Government taken up to this time to provide better accommodation in the hospitals. What steps are they taking now? "

THE HON. DR. T. S. S. RAJAN :—" Provision of accommodation cannot be arranged immediately. Therefore we are trying to accommodate patients as far as possible in the veranda and in the spaces available in between the beds. The question of accommodation and of building bigger hospital to meet the demand of the public is another matter which is concerning finance. Therefore as far as possible, everything is being done."

SRI P. R. K. SARMA :—" May I know, Sir, when the newly constructed wards of the Tuberculosis Sanatorium at Tambaram will actually be opened in view of the fact that the present accommodation is not adequate? "

THE HON. DR. T. S. S. RAJAN :—" The matter is under consideration. The buildings are being erected. As soon as the building accommodation is completed the place will be made available."

17th November 1949]

DR. V. K. JOHN :—" Will the Hon. Minister state, how long it will take for the national Government to find sufficient accommodation for patients in the hospitals? "

THE HON. DR. T. S. S. RAJAN :—" The national Government must have all the finances necessary to render effective service."

DR. V. K. JOHN :—" Is sickness on the increase after this Government came into power? "

THE HON. DR. T. S. S. RAJAN :—" That report has not reached the Government at all, Sir." (Laughter.)

SRI R. SURYANARAYANA RAO :—" In view of the exclusive facilities for diagnosis and treatment of many diseases which exist in the General Hospital, will the Government think of immediately extending the provision for the number of beds there? "

THE HON. DR. T. S. S. RAJAN :—" I am afraid it cannot be done because the General Hospital as it is, certainly over-crowded. The Government are making all possible arrangements to accommodate as many as possible and it is impossible to accommodate any more."

JANAB ABDUL LATIF FAROOKHI :—" May I know what happens to the patients who are refused admission in the hospitals for want accommodation? "

THE HON. DR. T. S. S. RAJAN :—" Proposals have been made for starting a new bigger hospital near about Madras and the Government are considering the question."

DR. V. K. JOHN :—" May I ask you, Sir, to allow us to have a half-hour debate on this very important question. I should like to show how inadequate and how poor is the consideration given by the Government to those who are sick."

MR. PRESIDENT :—" Does the Hon. Member think that the Government are not aware of it? "

THE HON. DR. T. S. S. RAJAN :—" The Government are, as I said, painfully aware of these facts. But further extensions depend on the question of finance. With the funds available at the disposal of the Government, as much help is being rendered as could be rendered and will always be rendered. Whether they have a debate on this question or not, the Government are doing all that is possible."

DR. V. K. JOHN :—" But the opinion of the public is that the Government are doing nothing? "

SRI R. SURYANARAYANA RAO :—" May I request the Government to issue instructions to the Superintendent of the General Hospital not to send away patients unless it becomes really over-crowded and impossible to carry on work? "

THE HON. DR. T. S. S. RAJAN :—" It is not fair to ask the Superintendent to do more than what he is doing now. We

[17th November 1949]

are aware of the fact that the hospital is over-crowded and as much accommodation as could be made available is being made available. There is no use of asking the Superintendent to do the impossible."

JANAB ABDUL LATIF FAROOKHI :—" Are the Government aware, Sir, that there is greater complaint with regard to the Tuberculosis Sanatorium at Tambaram that patients are not admitted there? "

THE HON. DR. T. S. S. RAJAN :—" The accommodation at Tambaram is always restricted to the cases that are being sent from a number of places and they are arranged according to priority. Beds are being made available according to priority. It is not like a General Hospital where anybody and everybody can go and be admitted straightaway."

DR. V. K. JOHN :—" Are the Government aware of the complaint that the hospital at Tambaram is only for the rich men and not for the poor? "

THE HON. DR. T. S. S. RAJAN :—" The Government have received no such complaint so far."

JANAB ABDUL LATIF FAROOKHI :—" Are the Government aware that many patients die for want of accommodation in the Tambaram hospital? "

THE HON. DR. T. S. S. RAJAN :—" Nobody can die for want of accommodation. Death is caused by diseases and not by want of accommodation."

SRI P. R. K. SARMA :—" Are the Government aware that patients stop at the Tambaram hospital for months and years together without vacating the beds even when they can vacate them and they bring recommendations from members of the Assembly and the Ministers? "

THE HON. DR. T. S. S. RAJAN :—" I certainly repudiate the suggestion as far as Ministers and Members are concerned. According to the facts before me, I know that no such consideration is shown for recommendations. Things are judged according to their merits."

SRI P. R. K. SARMA :—" By way of explanation, may I say that patients are staying there and are not going to their homes even when they can go, and therefore accommodation becomes very difficult."

THE HON. DR. T. S. S. RAJAN :—" Tuberculosis is a chronic disease and methods employed for its treatment necessarily take a long time. There is no question of patients refusing to leave the hospital as if they will be kept there if they refuse. It is not so. It is left to the Superintendent of the hospital to decide how long a patient has to be kept there. He knows the nature of the case and he has got to give the time necessary for each case. It is not a matter of favouritism. The requirements of the disease are the consideration."

17th November 1949]

Grants for medical institutions run by private bodies.

* 23 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Health be pleased to state—

(a) whether there are medical institutions run by private bodies which are in receipt of maintenance grants;

(b) whether these grants are made on some accepted basis and if so, what the principles governing these grants are;

(c) whether the Government have received complaints of disparity in the grants given;

(d) whether the Retrenchment and Reorganization Committee examined this question and suggested a uniform system of grants and if so, what the system suggested by the Committee is; and

(e) whether the Government have taken any action on the recommendation of the Committee?

THE HON. DR. T. S. S. RAJAN :—" (a) Yes.

" (b) Except in the case of the private leprosy asylums, which are in receipt of grants on a *per capita* basis, grants to other private medical institutions including the three T.B. Sanatoria at Perundurai, Madanapalle and Visranthipuram are to be paid on the net deficit basis subject to a maximum fixed by Government from time to time as recently decided by Government. Grants paid to certain institutions are in the nature of discretionary grants, which have however been fixed with due regard to the resources of the institutions concerned.

" (c) No complaints have so far been received except in regard to the T.B. Sanatorium at Perundurai.

" (d) Yes. In respect of the three T.B. Sanatoria and certain other institutions, the Committee suggested that the grants might be given on the basis of free beds available in those institutions on an equitable basis. In respect of the others, the Committee recommended that the existing procedure for payment of grants might be allowed to continue.

" (e) The Government have not accepted in toto the recommendation of the Committee in respect of the T.B. Sanatoria. They have ordered that in the three private Sanatoria, the grant should be paid on the net deficit basis subject to a maximum amount fixed for each. In respect of the other institutions, the matter is still under consideration."

Prevention and treatment of pre-natal syphilis in certain hospitals.

* 24 Q.—MRS. M. N. CLUBWALA : Will the Hon. the Minister for Public Health be pleased to state—

(a) what facilities are being afforded for the prevention and treatment of pre-natal syphilis in women and children hospitals and in maternity and child welfare institutions; and

[17th November 1949]

(b) whether routine blood tests of pregnant women, attending these institutions, are being done and if so, whether penicillin is being made available for such women to prevent the transmission of infection to the unborn offspring?

THE HON. DR. T. S. S. RAJAN :—“(a) So far as women and children hospitals are concerned, where there is a venereal clinic attached to the hospital or to a neighbouring institution, all suspected cases of pre-natal syphilis are treated in the clinic. In other cases such treatment for which adequate facilities exist, are given in the hospital itself. In Maternity and Child Welfare Institutions pre-natal examination of expectant mothers is carried out by Women Medical Officers and if such examination discloses a syphilitic history or obvious signs of syphilis, they are referred to the nearest hospitals for necessary treatment.

“(b) The answer to the second part is in the affirmative. Blood tests are made generally in all suspected cases, after examination of the patients.”

MRS. M. N. CLUBWALA :—“Are the Government aware that women who are suffering from syphilis take the treatment before confinement, but they do not come for treatment after confinement and there is no follow-up of the cases? Do the Government contemplate the appointment of health visitors to do this follow-up work, which the honorary workers are now doing in a small way?”

THE HON. DR. T. S. S. RAJAN :—“The patients should first of all come for treatment and get themselves registered and recorded to enable the Government to follow-up the cases wherever they may go. The question of ante-natal and pre-natal treatment of this disease is certainly beset with a lot of difficulties on account of the ignorance of the people and also their unwillingness to undergo a prolonged course of treatment which will continue for months at a time.”

SRI R. SURYANARAYANA RAO :—“May I know whether an actuary has been appointed by the Government to go into the matter, Sir?”

THE HON. SRI B. GOPALA REDDI :—“Yes, Sir, for the last four or five months he is going into the matter.”

DR. V. K. JOHN :—“May I know when the Government expect to come to a final decision in the matter, Sir?”

THE HON. SRI B. GOPALA REDDI :—“I have asked the department to ask the actuary to submit his report before the end of the year so that we may bring the scheme into force at least from the 1st of April next year.”

JANAB K. T. M. AHAMED IBRAHIM :—“May I know whether the actuary is being paid anything, Sir?”

THE HON. SRI B. GOPALA REDDI :—“The actuary is being paid.”

[17th November 1949]

JANAB K. T. M. AHAMED IBRAHIM :—“Will the Government see that he expedites the matter, Sir?”

THE HON. SRI B. GOPALA REDDI :—“He is not paid on a monthly basis. He is paid a consolidated amount for the work. There is no use of asking him to expedite the report or forcing him to submit the report early, because he has to go into a number of files and see how many years' service a man puts in before retirement and so on, so that he may advise the Government correctly.”

Compulsory insurance and provident fund-cum-pension system.

* 25 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state whether the Government have considered and passed final orders on the recommendation of the Retrenchment and Reorganization Committee on the question of compulsory insurance and provident fund-cum-pension system and if so, what their decisions are?

THE HON. SRI B. GOPALA REDDI :—“The Government have not passed any final orders in the matter. The question is under the consideration of the Government.”

DR. V. K. JOHN :—“May I know, Sir, when these recommendations were made?”

THE HON. SRI B. GOPALA REDDI :—“Some time last year, Sir. We have appointed an actuary who is going into the question and examining a number of files in the Accountant-General's office before submitting his report.”

Status and emoluments of headmasters of training schools and high schools.

* 26 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether there is any difference between the treatment accorded to the headmasters of training schools and the headmasters of high schools, in regard to status and emoluments;

(b) whether, in view of the insistence on teaching as in the case of other teachers, the headmasters of training schools are not free to exercise effective supervision of school work; and

(c) whether the Government have received representations in this regard from the managements of training schools, and if so, what the orders of the Government on them are?

THE HON. SRI K. MADHAVA MENON :—“(a) The headmasters of training schools are not treated differently in any way from the headmasters of high schools so far as their status is concerned. With regard to the emoluments, the headmasters of secondary training schools are treated on a par with headmasters of high schools and headmasters of higher elementary training schools on a par with headmasters of middle schools.

[17th November 1949]

"(b) The question is being examined.

"(c) Yes.

"The representation is being examined."

Qualifications prescribed for the post of Principal, Teachers' College, Rajahmundry.

* 27 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Education be pleased to state with reference to the answer given to Question No. 205 on 24th February 1949—

(a) what the qualifications prescribed for the post of Principal of the Teachers' College, Rajahmundry, are;

(b) whether the present holder of the post of the Principal, Teachers' College, Saidapet, possesses all the qualifications prescribed for the post;

(c) whether there are no officers in the department possessing these or similar qualifications; and

(d) whether, till such time as the officer deputed for training in Columbia University arrives, the post cannot be filled up by a regular officer of the department?

THE HON. SRI K. MADHAVA MENON:—“(a) The qualifications laid down in the special rules for the Madras Educational Service for the post of Principal, Government Training College, Rajahmundry, are

(1) the First or Second-class degree of M.A. or B.A. (Hons.) or B.Sc. (Hons.) of a University in the Province; and

(2) a degree in Teaching of a University in the Province or any other degree or diploma equivalent to it.

The mother tongue of the candidate should be Telugu or he should have studied that language as part of his University course. *Preferential* qualifications are (a) M.Ed. degree of the University of Madras; and (b) any degree higher than M.A. or B.A. (Hons.) or B.Sc. (Hons.), obtained by examination, advanced study or research, from a University in the Province.

“(b) For the post of Principal, Teachers' College, Saidapet, no basic degree stands laid down in the rules as qualification. A degree in Teaching of a University in the Province or any other equivalent degree or diploma is prescribed. The candidate's mother tongue should be Tamil or he should have studied that language as part of his University course. M.Ed. degree of the University of Madras is a *preferential* qualification.

By virtue of his having undergone a term's course in Theory and Practice in Education at Oxford, the present holder of the post is considered to possess sufficient qualification in Teaching. He fulfils the language qualification also.

“(c) There are such officers.

[17th November 1949]

“(d) By ‘regular Officer’ the hon. Member apparently means an Officer who has not attained the age of superannuation. The suggestion has been considered carefully, but the Government think that the present arrangement is quite satisfactory.”

Listed posts reserved for the members of the Provincial Service.

* 28 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Premier be pleased to state—

(a) whether, in the number of listed posts reserved for the members of Madras Service, posts of District Judges were also included;

(b) whether, in the new set-up, such reservation is maintained;

(c) if the answer to (b) is in the affirmative, what the number of listed posts is and how many are reserved for the members of the Judicial Service; and

(d) if the answer to (b) is in the negative, whether it is proposed to treat the Madras Judicial Service as distinct from the Indian Administrative Service?

THE HON. SRI K. MADHAVA MENON (on behalf of Hon. the Premier):—“(a) In the I.C.S. 12 listed posts were reserved for members of the Madras Subordinate Civil Judicial Services or members of the Bar.

“(b) No. The Indian Administrative Service which has taken the place of the I.C.S. is confined only to the executive side.

“(c) Does not arise.

“(d) Yes.”

Lease of Hope Timber Syndicate.

* 29 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Prohibition be pleased to state with reference to the answers given on 8th March 1949 to the Question No. 237 and the supplementary questions whether the Government have examined the terms of the lease of Hope Timber Syndicate, with a view to terminate it, in view of the loss to public revenues?

THE HON. SRI N. SANJEEVA REDDI:—“Since answering the question referred to by the hon'ble Member the rates payable by the Hope Timber Syndicate for the timber extracted by it have been revised, and fixed with reference to the prevailing market rates. The question of terminating the contract with a view to avert loss of public revenue, therefore, does not arise.”

SRI R. SURYANARAYANA RAO:—“May I know whether the revised rates have been accepted by the Syndicate?”

THE HON. SRI N. SANJEEVA REDDI:—“They have been accepted under protest.”

[17th November 1949]

SRI R. SURYANARAYANA RAO :—“ Do the terms of the contract permit the Government to impose such rates as are current from time to time? ”

THE HON. SRI N. SANJEEVA REDDI :—“ It is under the contract that the rates have been revised.”

Industrial development of Rayalaseema.

12-30 p.m. * 30 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Industries be pleased to state—

(a) the industries proposed to be started in Rayalaseema according to the Post-war Development plan;

(b) what the prospects, if any, are for private enterprise coming forward to start them;

(c) whether the Government have under consideration any plan for industrial development in this backward area; and

(d) whether the question of starting industries as State enterprises has at any time been considered?

THE HON. SRI C. PERUMALSAMI REDDI :—“ (a) Vanaspathi, textiles, sugar, power alcohol, cement and iron and steel.

“ (b) The setting up of these industries except iron and steel has been left entirely to private enterprise and the Government hope that private enterprise may succeed in establishing these industries.

“ (c) In the Post-war plans for the industrialization of the Province, due consideration has been given to the development of all areas including Rayalaseema.

“ (d) In view of the answer to clause (b) this does not arise.”

SRI B. BHIMA RAO :—“ Is not the Government aware, Sir, that vanaspathi is considered to be a product deleterious to public health and articles thereon have appeared in the *Harijan* and, if so, why encouragement is being given for the promotion of the vanaspathi mills? ”

THE HON. SRI C. PERUMALSAMI REDDI :—“ It finds a place under the Post-war Development Schemes; a separate question may be put.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, if it is a fact, that the only vanaspathi factory in the Rayalaseema area applied to the Government for State aid and it has been refused? ”

THE HON. SRI C. PERUMALSAMI REDDI :—“ I have no information; if a separate question is put, I will answer.”

UNSTARRED QUESTIONS.

Recommendations of the Provincial Housing Committee.

1 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Prohibition be pleased to place on the table of the House the decisions of the Government on the various recommendations of the Provincial Housing Committee?

17th November 1949]

A.—The orders passed so far on the various recommendations of the Provincial Housing Committee are laid on the table of the House.^a The remaining recommendations are under the consideration of the Government.

Zamindaris taken over by the Government under the Zamindari Abolition Act.

2 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Land Revenue be pleased to lay on the table of the House a list of—

(a) the zamindaris taken over by the Government under the Zamindari Abolition Act; and

(b) the amount of peshkash that was being paid annually in respect of each zamin?

A.—(a) & (b) The information is furnished in the statement^b appended.

Zamindaris to be taken over by the Government under the Zamindari Abolition Act.

3 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Land Revenue be pleased to lay on the table of the House a list of—

(a) the zamindaris to be taken over by the Government under the Zamindari Abolition Act;

(b) the amount of peshkash that is being paid annually in respect of each zamin;

(c) the amount of revenue that will be derived annually from each of the zamins;

(d) the amount of compensation payable to each zamindar under the provisions of the above Act; and

(e) to state whether any contribution has been proposed to be levied on the tenants in occupation?

A.—(a) & (b) The total number of zamindari estates, big and small, has been reported to be 2,810. Of these, 33 estates including six major estates were taken over in September 1949. The remaining estates, about 2,777, still remain to be taken over. The Government consider that the time and labour that will be required for drawing up a list showing the names of these estates and the particulars relating to the peshkash payable to Government in respect of each of them, will not be in the public interest.

(c) & (d) The amount of land revenue that will be derived annually from each of the zamindari estates and the amount of compensation payable for each such estate will be known only after the survey and the

^a Printed as Appendix II on pages 435-455 infra.

^b Printed as Appendix III on pages 455-456 infra.

[17th November 1949]

ryotwari settlement of these estates is completed. It is not therefore possible now to give the information required in these clauses.

(e) No.

Inam villages to be taken over by the Government under the Zamindari Abolition Act.

4 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Land Revenue be pleased to lay on the Table of the House a list of—

(a) the inam villages in each district of the Province to be taken over by the Government in accordance with the provisions of the Zamindari Abolition Act;

(b) the amount of peshkash that is being paid annually in respect of each inam village;

(c) the amount of revenue that will be derived annually from each of the said inam villages;

(d) the amount of compensation payable to each of the inamdars under the provisions of the said Zamindari Abolition Act; and

(e) to state whether any contribution has been proposed to be levied on the tenants in occupation?

A.—(a) The attention of the hon. Member is invited to section 1 (3) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948. Of the inam villages which are estates governed by the Estates Land Act, the Abolition Act applies only to those which are inam estates within the meaning of section 2 (7) of the Abolition Act. Under section 9 of the Abolition Act, Settlement Officers appointed under the Act have to determine which of the inam villages in the Province are inam estates. The Settlement Officers have not yet completed their enquiries in this regard. It is not therefore possible to furnish the required information at present.

(b) No peshkash is paid in respect of inam villages. Only quit-rent and/or jodi is payable to the Government by the inamdar. As there is as yet no list of inam villages which will be taken over under the Act, it is not possible to furnish the required information.

(c) & (d) The amount of revenue that will be derived annually and the amount of compensation payable in respect of each inam estate will be known only after the ryotwari settlement of the village is completed and the gross ryotwari demand is determined.

(e) No.

17th November 1949]

Inam villages brought within the purview of the Zamindari Abolition Act.

5 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of inam villages in each district of the Province which have been brought within the purview of the Zamindari Abolition Act;

(b) the number of such inam villages in each district of the Province which are religious or charitable endowments;

(c) how many of such inam villages are Muslim religious or charitable endowments with details thereof in respect of each district;

(d) to what extent the income from each of these religious or charitable endowments will be diminished by the legislation and the total of such amount for each district; and

(e) whether any contribution has been proposed to be levied on the tenants in occupation?

A.—(a) The attention of the hon. Member is invited to section 1 (3) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948. Of the inam villages which are estates governed by the Madras Estates Land Act, 1908, the Abolition Act applies only to those which are inam estates within the meaning of section 2 (7) of that Act. Under section 9 of the Act, Settlement Officers appointed under the Act have to determine which of the inam villages in the Province are inam estates. The Settlement Officers have not yet completed their enquiries in this regard. It is not therefore possible now to give the number of inam villages in each district to which the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, applies.

(b) to (d) For the reasons given in the answer to clause (a), it is not possible to give the information required in these clauses also.

(e) No.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ADJOURNMENT MOTION ON THE IMPENDING PARTITION OF THE PROVINCE.

MR. PRESIDENT :—“ I have to inform the House that a motion for the adjournment of the business of the House has been just handed over to me by the Leader of the Opposition. It is as under :

‘ I propose to make a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, namely—

“ the impending partition of the province and the action of the Government thereon ”.’

[Mr. President] [17th November 1949]

May I know if the Government wish to say anything about the matter?"

THE HON. DR. T. S. S. RAJAN :—" The whole question to be considered is whether it is a matter of urgent public importance and whether it could not wait till we find a more convenient time. We have got important legislative measures to be got through . . . "

MR. PRESIDENT :—" I know. But the thing is whether it could be discussed at all now in the present stage of the process of partition."

THE HON. DR. T. S. S. RAJAN :—" The thing has not taken any definite shape and it is only a recommendation of the Working Committee and till that is decided by the Government, there is no use of our discussing it now."

MR. PRESIDENT :—" I was informed that the Government are willing to accept the motion."

THE HON. DR. T. S. S. RAJAN :—" I never expected it to come immediately."

MR. PRESIDENT :—" I am not quite satisfied how there can be any adjournment motion on this, which is generally in the nature of a censure of the Government on their failure to consult the House or any other thing that they might have done. I do not consider that it can form the subject of an adjournment motion. What the Government should do in this connexion and other matters relating to partition may form the subject matter of a resolution which will be taken up on any non-official day. But I am unable to see how there can be any motion for adjournment on this question."

THE HON. DR. T. S. S. RAJAN :—" That is a matter which has been discussed by the House and the Working Committee has taken up the matter and they have made their recommendations to the Government of India."

MR. PRESIDENT :—" You are aware that the House passed a resolution recommending the separation of the Andhra Province and if pursuant to it, steps had been taken by the Government, the house cannot complain. If on the other hand, the Legislature had not been consulted, you can have reasonable cause for complaint and raise it by way of an adjournment motion and tell the Government that they have not done the proper thing. If in pursuance of the recommendations of the Working Committee, the Government of India asks this Government as regards their views and the Government give their views without consulting you, it may be proper to raise a debate by means of a motion for adjournment. The time is not ripe and nothing could be discussed except partition which is a thing already agreed to."

DR. V. K. JOHN :—" This House, Sir, must have an opportunity of discussing this question; it is of great importance not only

17th November 1949] [Dr. V. K. John]

to this Province but to this very House. When the partition takes place, the position of this House and of the other House will be affected and we should be able to express an opinion."

MR. PRESIDENT :—" I do not know if the Government have got anything to do with it nor have they said what they are going to do. The only thing that we saw in the newspapers was that the Cabinet also recommended the formation of the Andhra Province. Did the Government go into details?"

THE HON. DR. T. S. S. RAJAN :—" No, Sir, we did not go into details."

MR. PRESIDENT :—" If something definite takes shape when the House is in session, I hope the Government will agree that the House should have a discussion on it."

THE HON. DR. T. S. S. RAJAN :—" But we cannot do it at the moment, Sir. The time will be when the Government of India refer the matter to us when the matter could be discussed by both the Houses of Legislature and their opinion obtained. That stage has not yet come. We should wait for some instructions from the Government of India about this matter. To discuss this matter now is inopportune and too early and it will not help."

MR. PRESIDENT :—" I would suggest to the Leader of the Opposition that if he has got any definite suggestion to make to the Government before they take further steps, he may raise it by way of a resolution on the 23rd which is a non-official day. If he has got any definite suggestion to make to the Government regarding the position of members of this House, he may do so then."

DR. V. K. JOHN :—" I will do that, Sir."

SRI R. SURYANARAYANA RAO :—" I submit, Sir, that this House should be given an opportunity of expressing its views to the Government before they submit their views to the Government of India relating to the partition."

MR. PRESIDENT :—" Supposing the House is not sitting?"

* SRI R. SURYANARAYANA RAO :—" Sir, you said that it could be raised by means of a resolution. But I wish to point out, Sir, that the resolutions for the next non-official day have been balloted and there could be no ballot again. The balloted resolutions have been circulated to members only this morning and so, Sir, this resolution can by no means find a place for the next non-official day. I would be satisfied if the Government give us an undertaking that they would consult this House before they submit their proposals in reply to such communication as they receive from the Government of India. If the House is in session, there will be no difficulty and even if it is not, a session should be held."

* THE HON. DR. T. S. S. RAJAN :—" It is not my desire to shut this House out from discussing the matter, in fact, we want to take the House with us in any decision at which we arrive. We

[Hon. Dr. T. S. S. Rajan] [17th November 1949]

want the support of this House and it is our desire to take the views of both the Houses of Legislature. We are going to meet in December and from now to December, there is plenty of time for a communication or direction from the Government of India asking us for our opinion. The Working Committee has made its report to the Government of India and it is not in the nature of a direction to us. I can give this assurance to the House that we shall certainly consult the House when the matter is ripe enough for discussion."

DR. V. K. JOHN :—" My only anxiety is that before any definite decision is taken by the Government, this House should have an opportunity of expressing its views."

MR. PRESIDENT :—" They must make some proposals and put them up before the House for its discussion."

DR. V. K. JOHN :—" Before they finally make up their mind on any proposal, let us have an opportunity to discuss the proposals so that we may express our views."

THE HON. DR. T. S. S. RAJAN :—" I should think they must be forwarding to us some proposals so that we put them up before the House and take its opinion; what is the use of a discussion without any proposals being placed before it?"

DR. V. K. JOHN :—" If that is done, I shall be satisfied."

The motion was not therefore moved.

III.—MESSAGE FROM THE ASSEMBLY.

11-45 a.m. MR. PRESIDENT :—" I have to announce to the House the following message received from the Hon. Speaker of the Madras Legislative Assembly, dated 15th November 1949 :—

"I am to inform you that the report of the Joint Select Committee on the Madras Buildings (Lease and Rent Control) Amendment Bill, 1948 (L.A. Bill No. 24 of 1948), was presented to the Legislative Assembly on the 15th November 1949, but the Bill was not further proceeded with as the Madras Buildings (Lease and Rent Control) Act, 1948, to which it relates ceased to be in force since 1st October 1948."

IV.—(1) ELECTION OF ONE MEMBER FROM THE LEGISLATIVE COUNCIL TO THE SOUTH INDIAN RAILWAY ADVISORY COMMITTEE.

MR. PRESIDENT :—" I have to announce to the House that Sri S. B. Adityan, M.L.C., is the only candidate duly nominated for a seat in the Advisory Committee of the South Indian Railway. I hereby declare him duly elected."

(2) ELECTION OF SIX MEMBERS TO THE HOUSE COMMITTEE.

MR. PRESIDENT :—" I have to announce to the House that the following candidates were nominated for election to the House Committee :—

- (1) Dr. Syed Tajuddin.
- (2) Sri H. M. Jagannatham.
- (3) Dr. P. S. Srinivasan.

17th November 1949] [Mr. President]

(4) Sri P. Veerabhadraswami.

(5) Sri L. Subbarama Reddi.

(6) Sri S. A. S. R. M. Ramanathan Chettiyar.

As the number of candidates nominated is equal to the number of vacancies to be filled, i.e., six, I hereby declare them to have been duly elected to the House Committee.

"In addition to the above, under rule 143 of the Madras Council Rules, I nominate the following two members to be members of the said Committee :—

(1) Mrs. M. Hensman.

(2) Sri R. Suryanarayana Rao."

GOVERNMENT BILL.

V.—THE MADRAS MAINTENANCE OF PUBLIC ORDER BILL, 1949 (L.A. BILL No. 24 OF 1949).

* THE HON. SRI K. MADHAVA MENON :—" Mr. President, Sir, I beg to move—

'that the Madras Maintenance of Public Order Bill, 1949 (L.A. Bill No. 24 of 1949), as passed by the Legislative Assembly be taken into consideration at once.'

"Sir, on the 28th June 1949, a report appeared in the 'Hindu' to the effect that the Calcutta High Court had declared the West Bengal Security Act to be ineffective for the reason that there was no valid extension of the provisions of the Act after its expiry, as the Governor was not a party to the motion for an extension which was passed by the Provincial Legislature. This ruling was based on the decision of the Federal Court of India in Jyotindra Nath Gupta's case under the Bihar Maintenance of Public Order Act, 1947. The proviso to section 1 (3) of the Bihar Act was as follows :—

'Provided that the Provincial Government may, by notification, on a resolution passed by the Bihar Legislative Council, direct that this Act shall remain in force for a further period of one year with such modifications, if any, as may be specified in the notification.'

The Federal Court held that this proviso was *ultra vires* on the ground that it amounted to a delegation of legislative power by the Provincial Legislature to the Provincial Government, in so far as the latter is empowered (1) to extend the Act for a period of one year, which amounts to re-enacting the Act, and (2) to modify its provisions which may amount to a subtracting from, adding to or varying the existing provisions of the Act which is clearly a legislative power. It was held that the Provincial Legislature had no power to create a subordinate legislative authority delegating to it its own powers.

"It may, however, be mentioned that the provision in the Bihar Act was based on a number of precedents, English and Indian. In the English Act, the Reserve and Auxiliary Forces Act, 1939, there is a similar provision, which is as follows :—

'6 (1) Subject to the provisions of this section, this Act shall continue in force for the period of three years beginning with the date of the passing of this Act, and shall then expire:

[Sri K. Madhava Menon] [17th November 1949]

Provided that if, at any time while this Act is in force, an address is presented to His Majesty by each House of Parliament praying that this Act should be continued in force for a further period of one year from the time at which it would otherwise expire, His Majesty may by Order in Council direct that this Act shall continue in force for that further period.'

"Now, the Indian Press (Emergency Powers) Act, 1939 (Central Act XXIII of 1931), contains a similar provision, which reads as follows:—

'1 (3) It shall remain in force for one year only, but the Governor-General in Council may by notification in the *Gazette of India*, direct that it shall remain in force for a further period not exceeding one year.'

"The Foreign Exchange Regulation Act, 1947 (Act VII of 1947), also contains the following provision—

'1 (4) It shall remain in force for five years only, but the Central Government may, by notification in the official gazette, direct that it shall remain in force for a further period not exceeding three years.'

"The Control of Shipping Act (Central Act XXVI of 1947) contains the following provision:—

'1 (3) It shall be deemed to have come into force on the 25th day of March 1947, and it shall remain in force only up to the 31st day of March 1950:

Provided that the Central Government may, by notification in the official gazette, direct that it shall remain in force for a further period not exceeding one year.'

Similarly there are a number of Acts passed by the Central Legislature like the Delhi Premises (Requisition and Eviction) Act, 1947 (Act XLIX of 1947) and the Armed Forces (Special Powers) Act, 1947 (Act III of 1948) which empower Central Government by notification in the official gazette to direct that the Act shall remain in force for a further period not exceeding one year.

"Sir, some of the Central Acts such as the Foreign Exchange Regulation Act, 1947, and the Control of Shipping Act, 1947, are still in force. The Madras Maintenance of Public Order Act was passed by this House restricting the duration of the act to one year and gave power to the Government to extend it to another year by notification. Since Section 1 (4) of the Act also contained a provision for extending the continuance of the Act by notification of the Provincial Government and as the Act was being so extended from year to year, the Government began to entertain doubts towards the end of July 1949, as to whether the continuance of the Act from year to year was legal in the light of the judgment delivered by the Federal Court. The question was therefore examined and the Government were advised that a validating legislation had to be taken immediately. As the matter was so urgent that it could not wait even an emergent summoning of the Legislature, the session was prorogued by His Excellency the Governor on 2nd August 1949, and immediately after, on the same date, the Government of India were asked to obtain the Governor-General's instructions for the promulgation of an Ordinance. The Governor-General's approval was received on the 11th August 1949, and the Madras Maintenance of Public Order (Removal of Doubts and Amendment) Ordinance, 1949 (Madras Ordinance No. I of 1949) was promulgated the same day.

17th November 1949] [Sri K. Madhava Menon]

"Opportunity was also taken to incorporate in the above Ordinance, a provision on the lines of the recent amendment introduced in the Central Provinces and Berar Public Safety Act, 1948, with a view to prohibit the questioning of the validity of a detention on the ground of any defect, vagueness or insufficiency, or any delay in the communications made to detenus. This is found in clause 4-A in the present Bill before you, which was amended to some extent in the Assembly from what it was in the original Bill as circulated. This provision was introduced at the instance of the Government of India who considered that there should be no room for any doubt that the communication to detenus of the grounds of detention is intended for the sole purpose of enabling them to make a representation to the Executive and that it should not be open to a court to examine the merits of the grounds so disclosed and decide whether these justify detention or not. The *bona fides* of an order of detention has been questioned merely because of a certain amount of delay in communicating the grounds, etc., the real reason for the delay being time taken to check up assertions and counter-assertions by detenus.

"On the 10th October 1949, the Madras High Court, in delivering judgment in a batch of *Habeas Corpus* applications, in which the validity of the Madras Ordinance I of 1949 was questioned, held that, in view of the Federal Court's judgment in Jyotindra Nath Gupta's case under the Bihar Maintenance of Public Order Act, 1947, the Madras Maintenance of Public Order Act, 1947, 'died a natural death' on the 11th March 1948, since its extension by notification was not valid. The High Court also held that the sanction of the Madras Ordinance No. I of 1949 which purported to amend or give a declaration in respect of what was no longer in force was of no effect whatever, while anything re-enacted would be valid, and that accordingly, the only section of the Ordinance that was valid was section 3 (b) which stated that no action taken under the Act shall be called in question on the ground that the Act was not in force at that time.

"The effect of this declaration of the High Court was that there was no Maintenance of Public Order Act in force in the Province. The Government were advised, and even the very judgment suggested, that the only manner in which the *status quo* could be restored was by re-enacting the entire provisions of the Act and since the Legislature was not in session—it having been prorogued before the promulgation of Madras Ordinance No. I of 1949—this had to be effected by means of an Ordinance, incorporating the entire provisions of the Act. The Governor-General's instructions for the promulgation of such an Ordinance were sought on the 10th October 1949 and were received on the 13th October 1949. The Madras Maintenance of Public Order Ordinance, 1949, was promulgated on the 15th October 1949.

"The Bill before the House is a reproduction of the provisions of the Act which has already been passed by the Legislature, but it contains three variations. The first change is that we have fixed that the Act shall be in force till 30th September 1952. The original Act said that it shall be in force for one year, and subsequently it

[Sri K. Madhava Menon] [17th November 1949]

was amended, by which the life of the Act could be extended by notification. Now we have fixed that the Act shall be in force for three years.

"The second variation is the addition of clause 4-A, the reasons for which I have already mentioned.

"The third variation is the incorporation of the new clause 4-B. A question was raised some time ago as to what action could be taken against a detenu released on parole who contravenes the conditions of parole, and whether specific provision should be made for this purpose. We have been releasing detenus rather liberally, and a number of detenus released on parole either do not return or go underground. They do not conform to the conditions of parole and take advantage of their release to take part in subversive activities. If they are apprehended, no action can be taken against them for breach of the conditions of parole. The Government were advised to add the new clause 4-B in the Bill which has been prepared to replace the Madras Maintenance of Public Order Ordinance, on the basis of a similar provision in the Central Provinces and Berar law. Under this clause, if a detenu fails to conform to the conditions of parole, he can be charged and punished for it in the same manner as a prisoner who escapes from lawful custody. In these circumstances, the Bill as passed by the Assembly is placed before this House.

"I have seen a number of amendments has been given notice of, particularly to delete clause 4-A, and the other amendments are to delete clauses 5 and 16. The original Act as passed by this House would have been reproduced here but for the judgment of the Federal Court. I have given the reason why clause 4-A has been introduced. The main reason for introducing it is to bring out the intention of the legislature in the Bill itself. The legislature has specifically laid down in section 16 that no order of detention passed by a District Magistrate or any other officer shall be questioned in a court of law. You may remember that an Ordinance was passed some time ago saying that all orders passed under the Public Safety Act should not be subject to the provisions of section 491 of the Criminal Procedure Code relating to the writ of *Habeas Corpus* and should not be questioned. That Ordinance was construed by a Full Bench of High Court. That decision of the High Court said that the jurisdiction of the court could not be ousted by the legislature, but it has laid down the conditions under which the court can interfere. It definitely said that the satisfaction about the sufficiency or the reasonableness of the grounds of detention was for the detaining authority and that it should not be canvassed by a court. Delay, vagueness or some such defect in the communication to the detenus has been canvassed as the ground for setting aside the order. The intention of the legislature is that it should not be canvassed like that. That intention is incorporated in the Bill by clause 4-A.

"Regarding the other amendments, I shall reply after hearing the arguments of the movers after they move the amendments."

17th November 1949]

MR. PRESIDENT:—"The question is—

'that the Madras Maintenance of Public Order Bill, 1949 (L.A. Bill No. 24 of 1949), as passed by the Legislative Assembly be taken into consideration at once'."

SRI B. BHIMA RAO:—"Mr. President, Sir, I support the Bill. In doing so, I want to make some suggestions for future guidance.

"The Hon. Mr. Madhava Menon said that he came to know of the doubt with regard to the validity of the Act some time in June 1949. But actually the decision of the Federal Court in the Bihar case, wherein five Judges sat, was given on the 28th May 1949, and it appeared in the papers. The Federal Court decision is reported on page 175 of the All India Reporter. (Federal Court in 1949 September Part.)"

THE HON. SRI K. MADHAVA MENON:—"What is the date of issue of the journal?"

SRI B. BHIMA RAO:—"This was issued in the month of September.

"The proper procedure for reviving the Act has been laid down in the decision itself. If it had been followed, there would have been no necessity for passing so many ordinances. Each of the Judges, especially the Chief Justice Khania, has said that the only apt manner of reviving the expired Act is by enacting a fresh Statute expressly saying that that Act is hereby revived."

MR. PRESIDENT:—"I find a motion under Rule 106 of the Council Rules for referring the Bill to a Select Committee standing in the name of Mr. Abdul Latif Farookhi and Dr. V. K. John. Is any one of the hon. Members moving the motion? If it is carried, there will be no need for detailed discussion."

* DR. V. K. JOHN:—"The motion under discussion is moved by the Hon. Minister under Rule 105. I think anybody can move an amendment to the proposition that the Bill be taken into consideration before the discussion on the motion is over. The motion for reference to Select Committee is moved under rule 106. I thought you would put this motion at the end of the first stage as it happened in the other House."

* MR. PRESIDENT:—"What I mean is even under a motion for Select Committee, the principles of the Bill can be discussed. But the motion must be there. If the hon. Member wants to move the motion, he should move it now."

* DR. V. K. JOHN:—"Mr. President, Sir, under rule 106 of the Council Rules, I move that the Bill be referred to a Select Committee of this House, as it was not referred either to a Select Committee of the Assembly or a Joint Select Committee. This Bill, in my humble opinion, is both a record and a limit—a record of the utter failure of the Government to persuade the men and

[Dr. V. K. John] [17th November 1949]

women of this province to desist from resorting to subversive activities, and a limit to the powers sought by the executive from the legislature. Arbitrary and extraordinary powers are sought—power for interfering with the liberty of a citizen, for taking over the property of people, for imposing censorship and collective fines and so on. I say this is a record of the failure of the Government. When the Maintenance of Public Order Act, 1947, was passed, its duration was limited to one year. The intention of the legislature at that time and the intention of the Congress Government then in power was that the Government would take such steps as would enable them to keep order and security in the province without these extraordinary powers at the end of one year. At the time of discussing the 1947 Bill, I said that it was Draconian in character and worse than martial law. *Later on we find that the Government did nothing at all. They have simply extended the period of the Act, excluded jurisdiction of courts and passed ordinances. In the last few months the Government have passed ten ordinances. This Government seems to exist by controls and ordinances. If only they could abolish the courts in this land, they would be very pleased to do that. The Government's record is a record of failure.

“ Before I go into this Bill, I must make my position and the position of the Opposition quite clear. We are not in favour of subversive activities at all. We condemn subversive activities, arson, loot and murder on the part of any section of the public much more than the Government would condemn. We are behind the Government in the maintenance of law and order which is their responsibility. But we say there are two enemies to the public peace. The first is the Communists. I find from the pamphlet ‘Charge-sheet against the Communists’ published by the Government, though I do not subscribe to everything that is mentioned there, that the Communists have been engaged in murder, assault on villagers, Congressmen, public men and jail officials, interference with labour in such a way as to reduce production. I find that the Communists are attacking the police and kisans and engaging themselves in loot, arson, incendiarism, sabotage of railways and other important services, and do propaganda for using subversive methods to achieve their objects. I concede that any Government should be very very careful in dealing with a political opposition and I take it that the Communists are a political opposition. If the Communists attack innocent persons and do things which the Government charge them with, certainly we cannot tolerate them. But what have the Government done? I say there are two enemies to public peace, and the prosperity and happiness of this province. One is the Communists and the other is the Government of this province. It is paradoxical to see how the Government are strange bedfellows of the Communists. They ploughed the field for Communist activities. It is the Government, though not deliberately, who assist the Communists. What have the Government done during the last three years? One of the reasons why persons are converted to Communism and engage themselves in unlawful activities is the prevalence of acute unemployment in the province.

17th November 1949] [Dr. V. K. John] -

The first thing the Government should provide for promoting the welfare of the common man is remunerative employment for every able-bodied man and woman in this province. They have done nothing of the sort. There are millions still unemployed. They have classified workers into agricultural and industrial and skilled and unskilled. They do not know the extent of unemployment. As a person in touch with the public in this province I know that unemployment is acute and it is becoming more and more acute. If a million persons were unemployed last year, to-day a million and a half are unemployed. The Government have no idea of the tragic poverty of the people of this province on account of unemployment. Then there is under-paid employment. The other day I asked a question whether the Government could not set a better example to other employers by giving their own employees adequate pay and dearness allowance. The reply of the Hon. Finance Minister was that the Government, unlike the private employers, were not making any profit, and that therefore they could not pay their employees well. The Government are setting a bad example. There are hundreds of employees under them who are actively in sympathy with Communists, simply because there is a discontented service.

“ The Government have not yet attended to food production which is another essential requirement to prevent the spread of Communist propaganda in this province.

“ Sir, the other day the Government published a printed statement, on reading which, I first thought that there was a mistake in print in regard to certain figures furnished therein, but afterwards I was assured that it was no printing mistake. In that statement they said, that the net result of their grow more food propaganda during all these years was a decline in production by about 659,000 tons of rice and 502,000 tons of millets during the current as compared with the normal. Sir, the Government have been engaged in the grow more food propaganda for the last three years, since they came into power. They have been spending crores of rupees on the grow more food propaganda, but the result is that this money has been helping only those engaged in such propaganda and not those whom it should help. They never established contact with the farmer on whose skill, initiative and enterprise, production depends. They lost all touch with the ryots and cultivators in the villages, with the result, that in their ignorance, in their patronage and in their drunkenness with power, they lost about 1,160,000 tons of foodgrains in the current year. This is the result of their grow more food campaign. Now the prices of commodities have shot up and in the Madras City, the cost of living index is 320, whereas in the other districts, it has even gone up to 500. Now, Sir, this rise in the cost of living is one of the reasons for the Communist propaganda spreading in this Province. What have the Government done to counteract it? Nothing at all. Prices are going up every day. The cost of living is also increasing day by day. Blackmarketing is rampant in foodstuffs and other necessities of life. They are unable to prevent

12-15
p.m.

[Dr. V. K. John] [17th November 1949]

it, nor are they able to bring down prices. The Government live by controls and ordinances. They have controlled everything. Cloth and yarn, the stocks of which are in plenty with the mills have been controlled. I do not know why they are continuing these controls, and why they are not allowing the free market for the same. Import is under control; export is also under control; production of everything is under control; iron, steel, cement and in fact everything that you can think of, either manufactured in factories or produced from land or imported from abroad are all under control—why, simply because, the Government can have a very large number of underlings to hang upon them. To-day many Congress leaders cling round the Ministers and the Government, and do not go near the masses. That field is left to the Communists. Because every aspect of living is under control, people are suffering all round.

"Now let me take the taxes. Sir, I would throw the direct responsibility for this rise in the cost of living, on the Government themselves, because they have increased the sales-tax on all articles of food, by 15 to 20 per cent. As a result of experimenting on their various fads, they have lost crores of rupees. By their scheme of the nationalization of the City bus transport, they have lost lakhs of rupees. By persisting in their fad of prohibition, they are losing an annual revenue of Rs. 20 crores. Prohibition has only resulted in illicit distillation, and the Rs. 20 crores of annual revenue which could have been profitably utilized for production and for keeping down the cost of living is now lost to the Government. On the other hand, unemployment is increasing as also under-paid employment.

"Sir, I can understand a Government, carrying on their administration under trial and error. That is perhaps unavoidable and perhaps sometimes necessary, for any Government. Sir, the other day, somebody characterised this Government as a Government by amateurs. I entirely agree with this view. I make no complaint against them, because it is human to make mistakes. I am myself for prohibition, if it could be successfully enforced. But what has the Government done? The Government had made a trial in this direction. They wanted to prevent people from drinking and so they introduced prohibition, and attempted to provide all kinds of amenities and counter-attractions. What is the result? They have woefully failed in their attempts, and therefore they should honestly come out and say, "We have made an attempt; but we have failed. It is a mistake to have introduced prohibition". If they correct their mistakes, it is prudence. But if they persist, then it is stupid. I would ask the Government to retrace their steps, if they think they had made a mistake. I do not blame them, because they are also human. But have they confessed that they have made a mistake? If they have, they are honest. Have they corrected it? Then they are prudent. Do they still persist in it? Then they are stupid. The Government have lost Rs. 20 crores annually by introducing prohibition. What is it that they have gained? Nothing. There is illicit distillation going on in almost every village. The other day, an hon. Member of the Legislature,

17th November 1949] [Dr. V. K. John]

speaking about prohibition, said that this prohibition has made even women and children drink. They make illicit arrack from bark, from rice from coconut and even from plantain and they drink it at home. This Government was advised by the Central Government to go slow in the matter of prohibition, but they would not hear anybody's advice. All of a sudden, they introduced prohibition all over the Province, without trying to know whether it would be successful. What is the result? It has been a thorough failure. I regret to say, Sir, the Government will never accept this fact or see their way to retrace their steps. Now what do they want us to do?"

MR. PRESIDENT:—"I think, the Hon. Leader of the Opposition is straying away. I see no connection between the failure of prohibition and the Maintenance of Public Order Bill, which is under discussion."

* DR. V. K. JOHN:—"Sir, I was developing my argument, that because of the failure of prohibition, it has given a handle to the Communists to carry on their propaganda in the villages. The Government first introduced this Draconian legislation in 1947. They said that it would be in force for one year only, and that within that time they would be able to counteract the subversive activities of the Communists. Now it is nearly three years since that Act has been in force, and still they say that the Communist menace is spreading and section after section of that Act has been reproduced; not only that, but they have added on clause 4-A. The one enemy which they find to-day exposing their irregularities and illegalities is the High Court of Madras. Since September 1948, about 300 cases of detenus were brought before the High Court and more than half that number has been released."

MR. PRESIDENT:—"The Hon. Leader of the Opposition has not answered my point. I want to know what is the connection between prohibition and the Public Order Bill."

* DR. V. K. JOHN:—"I am saying, Sir, that because the Government have failed to bring down prices, and are wasting money on their pet fads like prohibition, doing nothing to step up production, and because they have not reclaimed waste lands and made them fit for cultivation, they have given a handle to the Communists to make their propaganda in the villages, which has now necessitated their bringing forward this Public Order Bill. That is the connection, and that is the argument, Sir, that I was developing."

MR. PRESIDENT:—"I do not think that the Communists are the only people who criticise the Government. There are many others who speak against Government . . ."

* DR. V. K. JOHN:—"I am saying, Sir, that Communism, is not an inborn vice in our country. The people in the villages, as you know, Sir, are quite law-abiding and peaceful and will not engage themselves in subversive activities. Why should the

[Dr. V. K. John] [17th November 1949]

Communist go to these villages and make propaganda against the Government? First of all we should know the psychology of the people in the country at the present juncture."

MR. PRESIDENT:—"My point is this. If the Government make mistakes, it is not only the Communists, but also members of the Opposition speak against the Government and expose them in the public. There is no reason why Communism should spread on that account."

* DR. V. K. JOHN:—"Sir, my point is this. The Government have not done anything to step up production or to tackle the problem of employment and under-paid employment, nor have they taken any action to bring down prices of foodstuffs and other necessities of life. People whose stomachs are hungry and whose throats are thirsty are easily persuaded to accept any other form of Government, which might promise better things. What was the idea of this House in having passed this legislation for only one year? The Government made a provision in the Act of 1947 for collective fines. Did you have the desired effect? You come up now and say, 'we want to delete that provision, because we are not able to deal with the root cause by which Communism thrives. Let us delete the provision relating to collective fines, because it has not helped us to put down Communist activities'."

MR. PRESIDENT:—"I request the hon. Member to give the House the reasons why he wants to refer this Bill to the Select Committee. He has not so far stated why it should go to a Select Committee. He has been discussing only the general provisions of the Bill and attacking the Government for their deeds."

* DR. V. K. JOHN:—"As I understood your ruling, Sir, I thought that at this stage we can discuss the general provisions of the Bill also. No doubt, I made a motion that the Bill be referred to a Select Committee and I shall give my reasons for that presently in the course of my speech. Now I want to deal with certain general provisions of the Bill and in the course of my speech, I shall point out what are the defects in the Bill, what provisions require reconsideration and why is it necessary to take it before a Select Committee. I am going to point out how, instead of this Bill being an improvement on the previous Act, has gone back upon it, and how the public mind has been agitated over the several drastic provisions in this Bill and how there is not so much hurry to rush through this Bill now. That is how, Sir, I am going to develop my argument."

"Now, Sir, I was saying that the Government have passed that Draconian legislation in 1947 by their brute majority in both Houses of the legislature, although many members in both Houses pointed out the very many objectionable features in that Bill. What did the Government say at that time? They said that the Bill would be in force for only one year and by that time they would be able to put down the Communist activities. Had they any reservations in their minds, when they promised like that? Were they

17th November 1949] [Dr. V. K. John]

not thinking within themselves. 'Oh, this is all nonsense. This is simply an eye-wash. We will simply tell the House and people outside that this Bill will be in force for only one year, although we know that it will be extended from year to year.' If they wanted that it should be in force for only one year, what action had they taken to solve the problems which gave the Communists a fertile ground for their activities?

"Sir, let me now come to the Bill itself. What are the provisions of this Bill? You will find that it interferes with personal liberty of the individual. You can put any man in the jail; you can extern him; you can intern him; you can restrict his movements and his activities; you can also deal with his properties as you like; you can prevail upon his relations to give information; you can impose any kind of censorship on the press; you can impose collective fines, if necessary; you can control meetings and processions; you can impose restrictions on the kind of dress and uniforms which people could wear; in fact, Sir, you can do everything you like under the provisions of this Bill. The very liberty of the individual, and the security to his person and property are all involved in this Bill."

"The framers of the Bill in 1947 did not think that the High Court would interfere. If you look into the history of this legislation, you will find that the Government did not supply information to these detenus in 1947 or in the early half of 1948. Delayed information was given to about thousand men in jails by July 1948. About 300 persons moved the High Court in the matter. Every one, Sir, would have moved the High Court if they had the opportunity, the convenience and the assistance. It is not sixty-nine men who were released as the Hon. the Law Minister stated in the other House. Three hundred men moved the High Court. More than half of these people were released by the High Court. The High Court also passed strictures. The High Court said 'your grounds are vague; your grounds are insufficient, and there was delay in passing final orders'. Judges after Judges in the High Court have passed strictures on the way in which the liberties of the individual were dealt with by the Government. The Government wanted to take away the right of the individual for moving the High Court by *Habeas Corpus* applications. The High Court ruled 'you cannot do that'. I can understand the anxiety of the Government to protect the liberty of the individual. I am only on the side of the innocent man. Suppose, for argument's sake, an innocent man is arrested and detained, and he wants to move the High Court. What is the relief provided for him? The Hon. Minister has produced a charge-sheet against the Communists. I personally think that this charge-sheet is a mere waste of paper. The charge-sheet has been printed. They have not produced a charge-sheet against the innocents. Sir, you know the rule of law that even if 99 guilty persons escape, the one innocent man should not be convicted. This is a fundamental rule of law followed

12-30
p.m.

[Dr. V. K. John] [17th November 1949]

in this country for the last 150 years or from ancient times. Suppose, for argument's sake, the Government want an innocent man to be locked up. Let me state that the intentions of the Government may be good. I do not make an attack on the Police, because I know something of the way in which the Police are discharging their duties. I can say that under Indian Inspectors-General of Police, the Police have changed their outlook from one of authority to one of Service. They are doing a hard job. I do not make an attack upon them. They are not there to put persons in jail whom they know to be innocent. The Police are discharging their duties to the best of their ability. They are doing their utmost to protect the lives and property of innocent persons. But they are also human. They may make mistakes. The Government also may make mistakes. The Government have provided for the delegation of powers. They can delegate these powers to anybody. In the very nature of things, the Hon. Mr. Madhava Menon cannot himself look into all the cases. He has to delegate this power to his subordinates. Some Police Inspector or Head constable or an Assistant Superintendent of Police will make these arrests. I even concede that they honestly discharge their duties. We do not want subversive activities in this Province. But the Police are human and may commit mistakes. Suppose, they put an innocent man in jail and detain him; not out of spite but out of an error of judgment, or out of a mistake. What is the relief for the person detained? The High Court stated that the law provided that the Government must communicate to him the grounds and get his explanation therefor. No communication was sent to the detenus for months together. Persons have been detained. Communications that were sent were vague, and the grounds for detention were insufficient. The High Court stated that these detentions were wrong. I understand from the speech made by the Hon. the Law Minister that they have given strict instructions that there should not be any vague and insufficient grounds. All right; let us assume that the Government are quite good and the Ministers are anxious to protect the liberties of the individual. But still they will make mistakes. There it is my complaint comes. I say, Sir, there are two enemies to the freedom of the individual, the peace and prosperity of this Province; one the Communists and the other the Government. What have the Government done under this lawless law? When the High Court stated that there was irregularity and illegality in procedure, the Government should have asked the High Court to examine every one of the cases. They should have said 'we are very pleased that you have come to the rescue of the innocents whom we, out of mistake or out of an error of judgment or out of ignorance, have detained; we are very sorry for it.' The Government should have given compensation to those who have been set at liberty by the High Court. Sir, what is the brain wave behind this legislation? Government have no advisers or that they did not take their advice. Every time they

17th November 1949] [Dr. V. K. John]

passed an Ordinance, the High Court, stated 'you have no jurisdiction to do that'. 'It may be that their advice is wrong or it may be that they did not accept the advice.' But look at the brain wave behind this clause 4-A. Clause 4-A says—

'No order of detention made in respect of any person in pursuance of any of the foregoing provisions shall be deemed to be invalid or unlawful or improper on the ground of any defect, vagueness, insufficiency or delay in any communication made to such person under this Act.'

Sir, can any legislation go beyond this? I put this question to the Hon. Mr. Madhava Menon and to every Member of the Government to answer. If they want innocent persons should not suffer, why should they not give an opportunity to every man to have his case investigated by a Court of Law? I can understand that Government must have the power to arrest a man before he does any further injury. I concede that. Let the Government detain anybody. In detaining a man, they may detain an innocent man also. Let them extern a man or intern a man. That means he cannot thereafter indulge in subversive activities. You have successfully prevented him from indulging in subversive activities by detaining him immediately. You may detain him, extern him or intern him, or you may pass any order upon him. Let the Government have all these powers. The present situation requires those powers. But, after detention, why should not that man have an opportunity to move the courts of law? Sir, I am practising in the High Court of Madras. We must all be proud of the High Court. We have Judges who are not against the Government. They keep the balance even between the individual and the Government and between litigant and litigant. We must be proud of the High Court Judges. After all, the executive with a Legislature and the Judiciary must take the responsibility of carrying on the administration. Why should this executive Government be jealous and be suspicious of our Judges? The High Court release a man if he is innocent. Eminent Judges have stated that if they are wrong they would be glad if they are corrected in appeals. I know in one case Justice Coutes Trotter said that he was happy there would be an appeal to the Privy Council and if he committed a mistake he would be corrected. If I am a Judge, and if I made a mistake, and a review application is placed before me, I must be the first man to correct the mistake, I have made. Why should the Hon. Minister of the Government, who is ultimately responsible for locking the innocent person up, not place his case for review by impartial and eminent Judges of the High Court? Why prevent the innocent man from going to the Court after he has been detained? You have already prevented him from doing any harm. He may be guilty or he may be innocent. He may be a Communist or he may not be a Communist. To act immediately, the Government may not take an order from the Court. I quite see the Sub-Inspector of Police arresting a man as a Communist, although he is not actually a Communist, and then putting him in jail. But why prevent the man from moving the Court and telling the Court 'I am an innocent man: please protect my liberty'. The

[Dr. V. K. John] [17th November 1949]

Government on the other side must be in a position to say, 'well; this man is not an innocent man, we have proofs against him'. The other day, speaking on another Bill, the Hon. the Law Minister stated 'there will be delay in Courts'. But, I ask, Sir, how do the Government lose anything by delay? The man is already in jail, and he is prevented from doing any injury. Again the Hon. Minister stated that everything will become known to the public. Sir, he is an eminent lawyer who practised in the Courts. Does he not know that there is provision for trial *in camera*? In the *in camera* trial, the Government can place before the Judges their reasons. There are two things, namely, the liberty of the individual and the fear of the Government that something will be known to the public. Are not the people doing propaganda telling people something which the Government would not like to allow? Are they afraid of telling the public that 'this man has committed a wrong; this is the evidence against him'. On the other hand, the Government tried to take away the jurisdiction of the High Court. The High Court said 'no; you cannot do that'. Then they tried to exclude the jurisdiction of the High Court by Ordinances and other methods. The High Court stated 'no' to that also. Now, the Government have introduced this Clause 4-A in this Bill, i.e., no Court should question the insufficiency of the grounds or defect in the procedure. The Government want to arrest innocent men also and lock them up in jail. For security purposes, if Government must have this arbitrary power, are we, Members of the Legislature, to take the responsibility for this arbitrary power of locking up innocent men in jail without giving them an opportunity to go to the Court of Law—not before detention, but while they are in detention? What is the reason for this? What is the reason for excluding the jurisdiction of the Courts in Clause 16, and what is the reason for introducing Clause 4-A in this Bill? Are not the Government putting up a premium on vagueness, insufficiency, irregularity and illegality, committed by their subordinate officers? Is this to be the attitude of the Government, a popular Government, and a democratic Government by Ministers who are supposed to be responsible to the Legislature and who are ultimately responsible to the people of the country? I am only on the side of the innocent man. The Government say 'here are the subversive activities of these men, and we want to detain them'. Sir, I am solidly behind the Government in that respect. I even wish a Communist, who says that he is not a Communist and that he has not committed any crime, to be given the opportunity to go to Court to prove his case. Why should the Government distrust the Courts? The real reason is this. The Government, I regret to use the expression, are not honest in providing legislation for excluding the jurisdiction of the Court. The Government make that provision simply because they know they are making mistakes, and that they do not want those mistakes to be exposed. Is this the attitude of a popular Government? Are the Government setting an example for future Governments? Are there a piece of legislation in any other part of the world which is so

17th November 1949] [Dr. V. K. John]

Draconian in nature? Sir, there is the Martial Law. You are also a lawyer. Under the Martial Law anything can be done with the individuals in war time. But there is the Court to try the individual. It may be speedy or it may be summary trial. Still there is the Court to which an innocent man can go. Here we are delegating all the powers to subordinates. They say 'we will delegate our powers to somebody', but how are we to know that that somebody will exercise the powers properly? This enables them to arrest anybody; even spite may come in. Sir, they do not know the consequences of this legislation. Why rush with this Bill in the Lower House and in this House without going to a Select Committee, I ask? They have introduced many new provisions in this Bill which should have been examined and corrected by a Select Committee. Why do they fight shy of a Select Committee I want to know. Where is the hurry? The Ordinance is there already; we have had ten Ordinances during the last few days. This Government are living on controls and Ordinances; the Government are depending on them. Sir, whenever a Government comes forward with a Bill controlling the liberty of the individual and making his life and his person and property insecure, take it from me that it is a measure of the unpopularity of the Government. When the Britisher was here, as you know, Sir, they had the responsibility to carry on the Government of the country; they had not the popularity, they had not the confidence of the people; therefore they passed repressive laws, but they never ruled out the courts of law. Even the Press Law, they said, should go before three Judges; you can carry the matter before three Judges. But here, you can control the liberties of any individual without any relief whatsoever. Sir, this Government have passed many laws and this is the limit. This shows the extent to which they know they are unpopular. They have not got the confidence of the people and they are legislating for arbitrary powers, extraordinary arbitrary powers for the executive. Why? Because they know that without those powers they cannot manage; they have no influence in the country; the people have no confidence in them and therefore it is that communism grows. After making our nerves go panicky on account of the various atrocities committed by the Communists, the author of this charge-sheet against the Communists woke up and thought this was a very bad picture and said: there is still no cause for any alarm or panic, we shall take all these extraordinary powers. Therefore the position is this: the Government do not trust even this House; they do not like to have a Select Committee to go into this Bill even to assist them. They do not want any assistance. After all, what does a Select Committee do? Even there, the Government have a majority, they will always have such majority. The Select Committee will have the patience, the opportunity and the convenience to discuss calmly across the table all these provisions and come to some sort of understanding. The prestige of the Government will not be shaken by so sending this to a Select Committee and then making your own

[Dr. V. K. John] [17th November 1949]

corrections, if necessary. But as I said, the Government want no assistance at all. The Government introduced legislation for prohibition. I asked the Government, apply prohibition to yourself; it is not prohibition from drink; you are drunk with power; and power without knowledge is a most dangerous thing. That is the position. And if only something is done by this Government to solve the economic ills of this Province, the economic ills of the rise in the cost of living, short supply of foodstuffs, black-markets, production and of unemployment and under-paid employment, then they will have done something. I ask the Ministers: get up early every morning and write down on a piece of paper 'talk less, do something' and always remember that nothing succeeds like success. Have they succeeded in tackling any of the problems which will solve the problem of the communists? Nothing at all; on the other hand, they plough the field for the Communists. They are strange associates, but one attacking the other; I say, Sir, the greater supporters of the Communists are the Government of this Province to-day. I say there are two enemies of the individual and prosperity of the Province and the freedom of the individual and those two enemies are, those who adopt subversive methods, who are engaged in loot and arson, and the Government of this Province who do nothing at all but plough the field for them, and create the conditions for the progress and prosperity of those subversive elements. This Bill ought not to have been brought at all. What the Government should have done and what any Government should have done is this: after passing that draconian Act in 1947, they should have said: let us delete clause after clause; let us repeal clause after clause; let us create conditions under which there will be no necessity for this Act. We asked for extraordinary powers, and you gave it; we asked for one year, but although it is now only six months or nine months, we do not want those powers any more; we wanted the powers only with a view to wean away our countrymen who have been persuaded by these Communists. Instead of saying that, you have had the Act for 1947 and 1948 during which you have committed so many mistakes, and now in 1949 you are here with another Bill, asking for larger powers for the Government and excluding the jurisdiction of the courts. Court is their bugbear; they want to circumvent the High Court of Madras, I do not know why. Because the High Court said they have some jurisdiction, let us circumvent the High Court. Let there be vagueness, let there be insufficiency, let there be illegality, let there be irregularity, let any innocent man be put into jail, but nobody should question the act done by us or by our subordinates—that is their view. They won't even ask a Select Committee to examine these provisions. If I were a member of such a Select Committee, I would have asked the Hon. Minister to say how many persons are Communists in this Province, how many of them are engaged in Communists activities, how many were engaged in 1947 and how many in 1948 and how many to-day. Sir, he did not give us any information on these points whatsoever; but he

17th November 1949] [Dr. V. K. John]

is asking us to pass this Draconian legislation. I say, Sir, this House should not take the responsibility of passing this legislation and that, without even referring this to a Select Committee. I move, Sir, that this Bill be referred to a Select Committee."

SRI B. BHIMA RAO :—" On a point of order, Mr. President, I want information from the Hon. President whether a measure which has been passed by the Assembly and has come here, may be referred to a Select Committee by this House."

MR. PRESIDENT :—" If the other House had referred the Bill to Select Committee this House cannot again do so; otherwise, this House can do so. May I know how many members are likely to take part in the discussion on this Bill? I should like to know, so that if necessary I may fix some time-limit."

DR. V. K. JOHN :—" Three of us from this side will speak, Sir."

SRI S. B. ADITYAN :—" Is the present discussion to be only on the question of referring the Bill to a Select Committee? "

MR. PRESIDENT :—" Even on the general provisions you may speak. But Mr. John's motion has not yet been seconded."

SRI B. NARAYANASWAMI NAYUDU :—" Mr. President, Sir, the question of the necessity for the Public Safety Bill has been debated in March 1947, and therefore I do not propose to deal with that question again now, however vexed it may be. So far as this Bill is concerned, it raises a further fundamental point with regard to the liberty of the subject and it has not been squarely faced by the Hon. Minister Mr. Madhava Menon. Is it the intention of the Legislature to arrest a person so soon as an order of the Government or an order of the District Magistrate is passed; and is there to be no challenging of that order in a court? That is the whole point on which this present Bill is centered. I request hon. Members on the other side to devote their personal attention to this. There are three ways in which all laws relating to personal liberty are to be dealt with. The ordinary way is for the Police to arrest a man, to charge-sheet him within fifteen days, then to let in evidence and go through other formalities and then comes the judgment; and if conviction is given, an appeal is provided for. That is the ordinary normal way. The Public Safety Act took away that right and substituted therefor another kind of enquiry: whether it was necessary or not, we are not concerned with it just now; but what has been done by the Public Safety Act is that for the normal method of arrest, charge-sheet, judgment, conviction, etc., section 3 of that Act was substituted. We have had the experience of the Act for some time now and various comments have been made on it by the High Court in 1948 and 1949 up to the end of July. An analysis of section 3 shows that first of all, you pass an order of detention. It must be communicated at once or forthwith to the Government: you have got to furnish the grounds,

382 THE MADRAS MAINTENANCE OF PUBLIC ORDER BILL, 1949
(L.A. BILL NO. 24 OF 1949)

[Sri B. Narayanaswami Nayudu] [17th November 1949]

circumstances and the urgency relating to the detention and the detenu is given the right to make representations on the grounds stated therein; then the Government have to refer it to the advisory council appointed by them; and this advisory council, although its decision is not binding, has got to sift the facts of the case and send up its opinion to the Government; then the Government pass an order which is final, without considering the question at all whether it is six months or ten months since the man has been first put into jail; and if the order is for his detention in jail for six months, that period is to be in addition to the period already undergone. What I want hon. Members of this House to consider is whether this procedure is going to be a mere farce; that is going to be the effect of clause 4-A in this Bill, that is the clause relating to substituted control for ordinary control. It says you need not go through all the details. It is clear that when an order is issued for imprisoning a person under clause 2, he is privy to or is a threat to public safety; not that he is to be imprisoned because he belongs to any particular group or has affiliations to particular organizations, or any such thing, but because of certain acts attributable to him; and so there has to be a complaint stating the facts constituting the danger to peace and all that. There is an elaborate judgment of Justice Viswanatha Sastri and Justice Satyanarayana Rao which says: 'The liberty of the subject is curtailed by courts established by law'—that is the ordinary law. The only safeguard provided by the Act is for the detenu to make a representation to the advisory council through the Provincial Government. That is all, no evidence. But you must give him the grounds; the advisory council should report upon it and the Government should pass the order. So, this is the procedure substituted for the ordinary procedure mentioned in the Criminal Procedure Code. The High Court's judgment goes on: 'In order to enable the detenu to present his case properly, he should know the grounds and the particulars of the grounds on the basis of which an order of detention is made under section 2 (1). The duty of providing this information was laid by the Act on the Provincial Government. The power conferred upon the Provincial Government of curtailing the liberty of the subject by the Act should, in my opinion, be exercised subject to the conditions and limitations imposed by the Act.' Is that correct? Is it the intention of this Legislature? Hence, the power given to the Government to detain a person should be exercised with limitations and the detenu must be furnished with the grounds of detention in order to enable him to make his representations and thereafter those representations must be referred to the Advisory Council. Once an order has been passed, its validity cannot be questioned. Understand it is not an order passed by merely the Government, but the power of issuing such an order is delegated to each District Magistrate and the Commissioner of Police. Therefore, we have got about 30 persons exercising control over the liberty of the subject. The Act of 1947 contains only a substitute clause for a trial under the ordinary law. Now, even if the object of the Act is not carried out, the order cannot be challenged by the High

17th November 1949] [Sri B. Narayanaswami Nayudu]

Court. Therefore, the main and plain question is whether this is the intention of the Hon. Minister. Squarely my friend has said that the Legislature have intended that this should not be challenged. Is it the intention of this Legislature? If so, the point may be made plain now."

MR. PRESIDENT:—"May I know from the Hon. Minister whether clause 4-A deals only with the defect, vagueness, insufficiency or delay in the 'communication' of the grounds or whether it governs the sufficiency of the grounds also?"

THE HON. SRI K. MADHAVA MENON:—"The High Court itself has referred to the sufficiency of the reasons or grounds, Sir."

DR. V. K. JOHN:—"The Government like to keep everything in the Act, Sir."

SRI B. NARAYANASWAMI NAYUDU:—"Sir, let us assume there is an order detaining Narayanaswami Nayudu issued by the District Magistrate of Krishna and it has been communicated to him. Then what happens? First of all, what is this order given by the District Magistrate? This order states that I am a person trying to interfere with the public peace and tranquillity of this Province and therefore their interest is that I should be detained. On what ground is that order based? Upon the judgment of the District Magistrate that I am a person threatening public peace and tranquillity, and nothing more. The fact that I belong to the Justice Party or to the Communist Party or that I am a Muslim or a zamindar or a labourer, absolutely has no connexion at all. The Judges of the High Court simply listen to the evidence adduced. I am putting this question to the Judges in dealing with the *Habeas corpus* applications? What is the ground? It is said:

'The order is merely a routine order, mechanically passed or the mere outcome of police recommendations and not of a decision of the detaining authority [under section 2, clause (1)].'

Is it merely a mechanical order passed by the District Magistrate or by the Hon. Mr. Madhava Menon without applying his mind and judging it? There is the High Court. Has it got the power to go into the question or not? If the Hon. Mr. Madhava Menon or the District Magistrate passes an order, then the matter is finished. It may not be his order; he may simply sign. Does he want the High Court to see whether it is really actuated by the necessities of the case or not? No. The High Court cannot look into it. I am asking categorically and I hope the Hon. Minister will reply to it. Is it the intention of this Legislature that the High Court should not consider the question at all whether it was an order based merely on the police recommendations or whether the concerned authority had applied his mind to the facts of the case? As I already said, it is a terrible responsibility. And what is that responsibility? It is a responsibility of deciding whether the 'particular' person had been indulging in subversive activities

[Sri B. Narayanaswami Nayudu] [17th November 1949]
and committing various crimes like arson, looting, murder, etc., and whether he is likely to create mischief to the public peace. Therefore, in alleging a charge, it will be the personal responsibility of the executive. It is a personal responsibility given to Mr. Madhava Menon or the District Magistrate concerned which should be exercised after applying his own mind and not merely on the recommendation of the police. Is it the intention of the Hon. Minister that the High Court should be deprived of the jurisdiction of finding whether it is really a *bona fide* exercise of a personal responsibility or whether it is a mechanical order passed? I want an answer to this question.

" Again, another observation made by the High Court is :

' The cyclostyle forms which incorporate all these three reasons found in the section are not even corrected before the orders are issued so as to indicate which of the three grounds apply to the particular case.'

Now, there are three grounds—has committed, about to commit, or is likely to commit. ' Likely to commit ' is an intending act. This personal responsibility is a dreadful responsibility. This responsibility is delegated to the District Magistrate. What does he do? He simply signs the cyclostyle forms submitted to him. Do you want to justify these Subordinate Magistrates, the subordinate executive authority, that they can sign cyclostyle forms without even considering the case? Is it the intention of this Legislature? Does the Hon. Mr. Madhava Menon say ' Yes, they have got the right to sign cyclostyle forms without applying their minds and considering the case.'? If he says so, then he is perfectly competent and he can pass unscathed. If, on the other hand, he says that the District Magistrate has got to exercise his judgment with regard to the case, then, clause 4-A is nugatory. Therefore, it comes to this that the effect of clause 3 is nullified by reason of clause 4-A. I am putting this question because the Hon. Judges of the High Court have said these things.

" I may ask another question. If an order is passed on mere suspicion of the commission of an offence, then the High Court says :

' If an order for detention is made, not in the interests of public safety or the maintenance of public order, but for the purpose of scouring the detention in prison of a person who cannot be successfully prosecuted for an offence of which he is merely suspected, then it would be a *mala fide* exercise of the power. If a person who has been serving a sentence of imprisonment in jail for a pretty long period, say two years, is served on the day of his release with an order of detention under section 2 (1) (a), the order for detention is in effect an illegal extension of the term of his sentence of imprisonment and would be a *mala fide* exercise of the power.'

According to this observation, the person is in jail for two years; he has nothing to do with the political currency of the day or with public order and safety. At the end of two years he is released. Immediately he is served with an order of detention under section 2 (1) (a). Is it an order really and genuinely passed? I say ' No '. The High Court has said that when the Legislature has passed a

17th November 1949] [Sri B. Narayanaswami Nayudu]

Bill, we can't help it. The Hon. Mr. Madhava Menon was referring to the Full Bench decision. Does the Full Bench decision say so? Then the High Court judgment goes on :

' If a person gets an order for his release on bail from a competent court and just when he is actually released, an order of detention is made so as to nullify the order granting bail and for the purpose of confining him in jail during his trial for offences with which he is charged, it would be a *mala fide* exercise of the power conferred by Act I of 1947.'

Therefore, it should be seen whether the order is genuinely passed. In the instance pointed out by the High Court, it is a *mala fide* exercise of the power. That is what may be called ' fraud ' in the exercise of the power conferred on the executive authority.

" The High Court refers to another case :

' We have an instance of a man who was detained in jail for over three months under section 117 of the Code of Criminal Procedure for refusing to execute an interim security bond. Instead of pursuing the proceedings initiated against him under section 107 of the Code of Criminal Procedure and giving him an opportunity to substantiate his defence under section 118 of the Code, the Police dropped those proceedings and moved the District Magistrate for an order under section 2 (1) (a) of Act I of 1947.'

Hon. Members will please notice the grounds stated in the detention order. It is not a question of vagueness, sufficiency or insufficiency. Does it disclose the allegations?

' The order of detention was passed on the ground that because the applicant (who stoutly protested his innocence all along) refused to execute an interim bond for keeping the peace he was likely to act in a manner prejudicial to public safety.'

Do you call it a right order? Do you say that a man should not have a right to agitate against his imprisonment? Taking the facts on the face, here is an order purporting to be an order to preserve public peace and tranquillity but certainly it has nothing to do with it because the man refuses only to execute a bond. He is forthwith detained. In regard to this, the High Court's judgment goes on :

' His refusal to execute an interim bond did not mean or even imply that he was acting or was about to act or is likely to act in a manner prejudicial to public safety or the maintenance of public order and an order for his detention passed under section 2 (1) (a) of Act I of 1947 based on a refusal of the applicant to execute an interim security bond would be a *mala fide* exercise of the power.'

The whole question plumbs upon this. The right to arrest is given only for a restricted purpose and not to suit the ' whims and fancies ' of the executive authority. The right to arrest is only for the maintenance of public safety.

" Another observation is this :

' It is a distressing feature of some of the cases that have come under our notice and a circumstance that had caused us considerable uneasiness, Of course, it is no distress or uneasiness to the Government or the Hon. Mr. Madhava Menon.

' that the applicants have been in jail for periods ranging from four months to one year pursuant to an initial order of detention without final orders having been passed by the Provincial Government.'

[Sri B. Narayanaswami Nayudu] [17th November 1949]

Hon. Members would like to know what this means. There is an order under clause 2 (1) (a), but the final order confirming, modifying or cancelling under clause 3 (5), the previous order does not come for months and even years. In such cases, the High Court says—

'In other words, the applicants have had to endure imprisonment for a much longer period than the period of six months they would have to undergo, even if the initial order for detention had been confirmed by the Provincial Government under section 3 (5).'

I ask in all sincerity the members sitting on the other side, 'Do you want to support orders of this kind?' My Friend here says it is the intention of the Legislature to see that these things are not done in a 'proper' law. 'Do you want that in detaining a person, the time between the issue of the initial order and the final order may take more than a year and still it should not be questioned by the High Court?'

1-15 p.m. "You should give definitely the grounds for the detention. Are you going to detain a person merely on grounds of religious, political or economic beliefs? Is the Magistrate going to write down an order and say that 'So and so belongs to the Communist Party, he is a Muslim, he belongs to the Justice Party, he is a labourer, he is a zamindar. Therefore he shall be arrested and put in prison'. Do you mean to say that there is going to be mentioned in the order only this much and nothing more? If the High Court points out this and sets aside an order of detention, is the Hon. Mr. Madhava Menon going to say that it is wrong? Their Lordships have observed—

'Similarly, if a person is detained merely on the ground of his religious, political or economic beliefs and opinions or because he is addicted to some personal vice, without anything relating to the maintenance of public safety or order appearing from the grounds, then also the detention would be held to be bad for the same reasons. Even if a person had been convicted of an offence involving a breach of the public peace, still if the event happened in the remote past and the satisfaction of the detaining authority does not relate to conduct persisted in after the coming into force of Act I of 1947, the detention would be bad.'

"Their Lordships have further stated—

'Membership of a party or association which has not been declared an illegal body is prominently mentioned in the grounds communicated to the detenus in some of these cases without any allegation of any acts or facts suggesting that the detenus in question, apart from the party in general, were themselves acting or about to act in a manner prejudicial to public safety or maintenance of public order. In such cases the satisfaction of the detaining authority is not a satisfaction about matters relevant to or falling within section 2 so far as the particular individuals are concerned and that is not a satisfaction which is immune from scrutiny in this Court when the legality of the detention is impugned.'

"So, you should prove that the detenu, apart from the fact that he belongs to a particular party, is likely to act or is acting in a manner prejudicial to public safety. It is very wrong to simply imprison anybody without proving this. Is it your intention to simply mention the membership in a particular party and imprison anybody without giving any reasons? Does the Hon. Minister for Law want the legislators who are sitting here to think likewise?

17th November 1949] [Sri B. Narayanaswami Nayudu]

Does he want that the High Courts should not interfere even in such cases? Certainly, it is not the intention of the legislators that simply because a particular man is a Muslim or is a communist or anything, he should be arrested and put in prison. This matter is of such great importance and I would like to have the indulgence of the President for a few more minutes, as I want to say a few more words."

MR. PRESIDENT:—"I have not curtailed the speeches of the hon. Member so far. I am not sure of the future. As I thought that the members opposite should have their full say in the matter, I have been allowing them the time that they required. But, I would like to fix some time-limit for others."

SRI M. NARAYANA MENON:—"Members on this side of the House would also like to say something."

MR. PRESIDENT:—"I do not know if you have any reason to speak at all." (Laughter.)

SRI B. BHIMA RAO:—"I would like to offer a few suggestions for removing certain hardships and grievances of the detenus."

SRI B. NARAYANASWAMI NAYUDU:—"In one of the applications Their Lordships held—

'In the present application, excluding the activities in 1946 and before August 1947, when the applicant was released from detention, the only ground communicated to him, would not, in my opinion, convey any information, nor does it refer to any activities on his part showing that he is acting in a manner prejudicial to the public safety and its maintenance. The Communist Party was not declared illegal, in which case, it will be open to the Government to take action under section 17 of the Criminal Law Amendment Act, if the person continued thereafter to associate himself with that party. Even if a party is declared illegal, the mere association with that party would not justify the inference that the person was acting in a manner prejudicial to public safety. . . . We are not concerned with the objects of a particular political party, nor are we prepared to accept the argument advanced on behalf of the applicants that the proceedings under the Act are actuated by political animosity, and that therefore they are mala fide. We are concerned only with the question whether the grounds communicated are definite and are such as would enable the applicant to present his case properly to the Provincial Government. To take a sample of the grounds communicated to the present applicant, one of the grounds stated that the applicant ridiculed the proposals of the Government to award compensation to the zamindars and inamdars; that he was also actively engaged in the Municipal election propaganda to get Communist candidates elected. These grounds besides being vague, are in our opinion, entirely outside the purview of the Act.'

"Sir, it is very necessary that the Government must give a man who is detained the reasons for which he is detained. Tell him, 'We have got information that you have taken part in such and such activities and it is dangerous to have you outside and you should be put in prison' or something like that. But you do not say anything like that. You say to the legislators that they are not to question the order of detention. Do you want the legislators to agree with you when you are authorizing the District Magistrates just to arrest anybody even for such things as ridiculing

[Sri B. Narayanaswami Nayudu] [17th November 1949]

the proposals of the Government to award compensation to zamindars and inamdars and taking part in an election propaganda? It is really most unfair and unjust. Do you say that even in such cases, even though the grounds are insufficient, the High Courts should not interfere? As evident, these are really very vague grounds and according to clause 4-A, the Government have taken wide powers and nobody can question their action. What is it that you are asking your District Magistrates to do? Do you want them to arrest a man and put him in jail if he is committing or about to commit an act which is prejudicial to public safety, or do you want a man to be arrested according to the whims and fancies of the District Magistrate concerned? This is a very fundamental question which has to be answered by the Hon. Minister.

"Then there is this clause 4-A which says that no order shall be declared illegal if there was any delay in the communication. Do you think that it is proper to detain a man without considerable evidence and without communicating to him the grounds for his detention for periods ranging from four to five months. I can understand free thinking in this matter. There is the ordinary law for dealing with such criminal acts. Secondly, you can arrest a man only on a limited ground, viz., that he works himself to the extent of causing breach of peace and other acts which are prejudicial to public safety. Thirdly, there is the Gestapo course by which you can say, 'Never mind. We have got powers under section 2 (1) (a). We will do what we think right. Nobody can question us. The whole thing is finished. Our respect for the highest authority in the land, namely, the High Court is that they must endorse our views'. Experience has shown during the 1½ years of the working of this Act that there were certain defects in the Act and that the grounds should be definitely stated in the order of detention in order to do justice. Is it your intention that justice should not be taken into account and that the High Courts should only be, what may be called, 'Star Chambers', to carry out the executive functions of the Government? In all humility, I ask whether this is proper? This is not a simple matter. You are taking away the fundamental liberties. If you want to take very wide powers, then why not say, 'We do not want section 3 and once an order is passed, it is finished. Nobody can question us'. The public say that this is not an honest way of exercising power. What they want is a very ingenious way and not a fraudulent way of exercising the power. I would like to point out here the High Court judgment—

'Where there is a limited statutory power of interference with the liberty of a person, the power must be exercised bona fide for the end specified in the Statute. Otherwise, it will constitute a fraudulent exercise of the power and an order based on such a fraudulent exercise of power would be bad. The fraud or mala fides consists in exercising the power for purposes foreign to those prescribed by the Statute.' Is it not a fraudulent way if you take such wide powers under this clause? Yet you say, 'We shall give you notice and you will be heard' and all that. You are trying to camouflage the whole

17th November 1949] [Sri B. Narayanaswami Nayudu]

issue by language. If you want to take such wide powers, tell so openly and with courage. I therefore submit that there is no need even for a Select Committee. I shall never be a party to a legislation of this type. I request the hon. Members in all sincerity to bestow their mind on this very important question."

MR. PRESIDENT :—"I now adjourn the House to meet again at 2-30 p.m."

(After lunch—2-30 p.m.)

* SRI B. BHIMA RAO :—"Mr. President, I was mentioning that the judgment of the Federal Court in the Bihar case known as *Jayachandra vs. The Province of Bihar* was pronounced on the 28th May 1949, and that it was published in all the papers in the country. The effect of that decision was that the extension of life of an Act by means of a notification was invalid. That being so, there need not have been any doubt entertained about the extensions which had been resorted to by many Provincial Governments. Hence I am only trying to suggest a procedure for future guidance in a very friendly spirit.

"Sir, I feel, that instead of proroguing the Legislature on the 2nd August 1949, if only we had been summoned to attend the Council, we would have been here the next day at our respective posts of duty. Sir, the judgment I have just referred to has mentioned the way in which expiring Acts should be revalidated. I do not want to deal with the judgment *in extenso* but shall repeat only the Chief Justice's remarks. He has said that the only apt manner of reviving an expired Act is by enacting a fresh Statute expressly providing that 'that Act is hereafter revived'. So, if only we had mentioned that those four Acts contained in Ordinance number, I were revived from the dates on which they expired as per the decision of the Federal Court, I think there would not have been any necessity to issue ten Ordinances within three months. Sir, I am mentioning all this only in a friendly spirit of criticism because these Ordinances are rather repugnant to public opinion. I would refer to what happened in 1939 on a similar occasion. Mr. President, you were not a member of the House then, in August 1939. But my Hon. Friend, the Law Minister was. We have been together since 1st April 1937, that is for the last 12 years or more. When the Temple Entry question was decided, an Ordinance was issued relating to Temple Entry in Madura. That was the solitary Ordinance that was issued during the first Congress Government. Even then, a huge protest was lodged against it by the late Rt. Hon. V. S. Srinivasa Sastriar, who made a memorable speech on the occasion and that speech is still ringing in my ears. A few months later . . ."

THE HON. SRI K. MADHAVA MENON :—"Mr. Srinivasa Sastriar did not oppose it. He said that the Government were perfectly right."

[17th November 1949]

MR. PRESIDENT :—" The hon. Member never said anything like that. He only recalled the memorable speech Mr. Sastriar made on that occasion."

* SRI B. BHIMA RAO :—" He definitely said we ought not to have resorted to Ordinances. You may get the volumes and verify. When it was explained to him that both the President and the Deputy President were in Simla on that occasion and hence the Government could not call for a meeting of the Legislature and therefore the Ordinance was issued, he proceeded with the merits of the legislation. Let me now quote what the Father of the Nation has said about Ordinances. I shall read page 70 of the book entitled *Delhi Diary* which contains his post-prayer speeches. It says :

' Many people came and talked to him and left literature with him to the effect that the popular Ministers were acting in an autocratic fashion like their British predecessors. He had not talked to the Ministers in this connexion. But he was quite clear that nothing for which they had criticised the British Government should happen in the regime of responsible ministries. Under the British rule the Viceroy could issue Ordinances for making laws and executing them. There was a hue and cry against the combination of judicial and executive functions. Nothing had happened since to warrant a change in the opinion. There should be no Ordinance rule. Their legislative assemblies should be their only law-makers. Ministers were liable to be changed at will. Their acts should be subject to review by their courts. They should do all in their power to make justice cheap, expeditious and incorruptible. For that purpose *Panchayat Raj* had been suggested. It was not possible for a High Court to reach lakhs and lakhs of people. Only extraordinary situations required emergency legislation. Legislative assemblies, even though the procedure might entail some delay, must not be superseded by the executive. He had no concrete example in mind. He had based his remarks upon the correspondence he had received from various provinces. Therefore, while he appealed to the people not to take the law into their own hands, he appealed to the Ministers to beware of lapsing into the old ways which they had condemned.'

Sir, that is why, seeing that these Ordinances are repugnant to public opinion I am making these suggestions. One thing I find, Sir, in the procedure adopted in England and it is worthwhile copying it here also. In every session of the Parliament in England, it is the practice to note down those legislations which are expiring and putting them into a Bill called the 'Expiring Acts Reviving Bill' . . ."

MR. PRESIDENT :—" But here they were under the impression that they could do it by a notification."

SRI B. BHIMA RAO :—" I would like to suggest that the Legislature Secretariat should maintain some kind of a diary or an index showing the date on which a certain legislation lapses, as it would not be possible for the Hon. Ministers to attend to these details. This will enable the Government to codify all lapsing Acts and bring in a reviving legislation. Sir, for instance, in 1948 several Acts passed during the Advisers' regime expired and Government brought in a consolidated Bill to revive those Acts. We sat here and passed them although with certain modifications. Sir, you also gave a ruling then that such a procedure was quite valid. So, I would commend this suggestion to the Government for their early consideration . . ."

17th November 1949]

THE HON. SRI K. MADHAVA MENON :—" We have such a procedure now, Sir."

* SRI B. BHIMA RAO :—" Sir, now I would like to deal with the rigours of the Bill. I said even yesterday that more Regional Advisory Committees should be appointed. I feel the necessity for such Committees."

MR. PRESIDENT :—" Does clause 3 restrict the number of Advisory Councils? Does it contemplate only one council?"

THE HON. SRI K. MADHAVA MENON :—" Formerly, Sir, it was only one committee that was contemplated. But, now there is provision for one or more councils."

* SRI B. BHIMA RAO :—" I am making this request in order to remove the difficulties and grievances of detenus undergoing detention for six months and more. I shall now mention a concrete instance in which a detenu has suffered due to delay on the part of the Government. A certain gentleman was travelling with me on the 30th April 1948 from Madras to Bellary and he was to go to a place called Rayadrug. He detained with me the next day. But I was surprised to find in the newspapers the day after that he was arrested and detained in the Central Jail to be taken to the Vellore Jail later. He was styling himself as a communist, in his talks with me in the train. At that time I was reading a book called *Red Conquest of the World* which was taken from our Library previously and which defines the essentials of a communist. I went to him in the jail a few days later and in the course of my conversation, put him certain questions. I asked him 'do you want to adopt violent means to achieve your ends', and he said 'no'. I asked him if he wanted to turn out Pandit Nehru's Government and he replied 'no'. I also put some other questions from that book."

MR. PRESIDENT :—" But when you put him those questions, he was in the jail!"

* SRI B. BHIMA RAO :—" He gave it in writing that he would have nothing to do with the communist movement and he signed the paper in my presence. Sir, I wanted to send that communication to the then Minister for Prisons, Dr. T. S. S. Rajan, but the Jail Superintendent objected to it saying that he must send it to the Inspector-General of Prisons first and then to the Chief Secretary to Government. So, Sir, that paper which was signed on the 1st May 1948 took some months to reach the Government as will be evident from the fact that he was released on the 9th October 1948, that is after a lapse of five months and more."

MR. PRESIDENT :—" It took two years for us to be released!"

[17th November 1949]

* SRI B. BHIMA RAO :—“ That was during the Advisers’ regime, Sir. But now we are under a popular Government and such a thing ought to have been attended to with utmost expedition.”

MR. PRESIDENT :—“ I was charged for having done a thing on a particular day in Chittoor while I was actually in jail on that day! ”

* DR. V. K. JOHN :—“ I hope the present Government would not do like things.”

MR. PRESIDENT :—“ I am sure, they will not.”

2-45 p.m. * SRI B. BHIMA RAO :—“ A similar incident in my own case also, Sir, during the Non-Co-operation Movement in 1922. It is only to avoid delays running in many cases to six months and more that I suggest the constitution of more advisory councils. In my district, there are many retired Judges and Sub-Judges. Let there be, say, five or six regional advisory councils instead of two and let the councils meet twice a month. That will be enough to dispose of all cases. This is my humble submission, Sir, made with a genuine intention of removing the hardship and rigours the detenus are put to. Executive officers when they commit an act, they want to stick to it. They don’t want to revise their opinion. But there are some honourable exceptions. During the Advisers’ regime, there was one fine Collector in our district in 1942-43. As my friends complained, he used to affix his signature to each and every warrant given to him by the Police. He sent 70 people to Vellore and out of the six or seven hundred detenus in the Vellore Jail from the whole province, ten per cent hailed from Bellary. Some of the detenus were boys and they were weeping in the morning and there was nobody to attend to them. When I went to him and represented matters, he promised to look into the matter at the end of 15 days. He was quite correct in his word. In the case of 58 people, he recommended immediate release and in regard to 12 the gentleman was satisfied that they must be detained. These 58 were released. It is very difficult to get such fine officers and that is why I say, in order to remove hardships, under clause (4) as now introduced, it is absolutely necessary that my hon. Friend should take courage in both hands and appoint more advisory councils to dispose of these cases expeditiously. In a way, they will supersede the functions of the High Court. It cannot be helped. With these few words and suggestions, I accept the principles of this Bill.”

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, the Hon. Minister for Law is not so wedded to this piece of legislation which he has brought forward that he would charge all those who oppose it, of sabotage. Sir, as the hon. the Leader of the Opposition assured, we are as much interested, perhaps more interested, in the maintenance of law and order. But, Sir, when the Government try to do things in an arbitrary manner, taking advantage of the large majority they possess in both the Houses,

17th November 1949] [Sri R. Suryanarayana Rao]

and allow and make these legislatures swallow pieces of legislations which are opposed to all canons of jurisprudence, we have every right to tell them that they are in the wrong, that they are in no way better than the previous governments which put them into prison. They have become, Sir, hardened perhaps as you said, being too long in detention in jail.”

MR. PRESIDENT :—“ I am glad you did not say hardened criminals.”

* SRI R. SURYANARAYANA RAO :—“ I did not say so, Sir. Nor do I consider those who are put into prison under this law as criminals. They may be people with different ideology from my own but still, Sir, I do not think I shall be justified in dubbing them as criminals unless they have indulged in criminal acts. Sir, even if the Hon. Minister considers us guilty of sabotage, we are in the honourable company of the honourable judges of the High Court. The judgments, extracts from which were read by my hon. Friend Mr. Narayanaswami Naidu this morning as also the recent judgments of the High Court in respect of these two sections over which this House has been spending so much time are in our favour and, therefore, Sir, we are in good company and we are not ashamed to oppose these two clauses.

“ Sir, in the year 1947, when this Bill was introduced by Sri T. Prakasam, we did oppose many of the provisions of the Bill. At that time, Sir, we forced a division on many points, though we were defeated. But an assurance was given, Sir, that the Act will be in force only for a period of one year and if any extension is to be made, it will be by notification and in the aggregate not exceeding one year. But, Sir, from 1947 we have come to 1949 and the Hon. Minister for Law wants it to be extended to 1952. That too, Sir, the original Act of 1947, consisted of 19 sections, the present Bill, Sir, let us not be misled though it says it has got only 21 clauses, I think it practically contains 33 clauses. There is 4-A, B, 7-A, B and so on. I say this, Sir, to show that so many other items have been brought under the provisions of this law which makes it much more objectionable than the Act of 1947.

“ The Hon. Minister for Law has persuaded the other House not to refer the Bill to a Select Committee. But we in this House feel that a great and grave injustice is being done to the public of this Province. When we are enacting a Bill consisting of 33 clauses and creating offences and giving more power under this Bill, it is but proper that it should be properly scrutinized by a select committee. Sir, we know the fate of this Bill. Its fate is, it will be passed. We consider it a fate or a *fait accompli*. Let the Bill be scrutinized properly by people who can give their time and attention and see what the lacunae were which were pointed out by the High Court; to what extent this lacuna should be supplied and to what extent the Government will be justified in ousting the jurisdiction of the courts.

[Sri R. Suryanarayana Rao] [17th November 1949]

"The trouble to combat which this Bill has been introduced is as we have been reading in newspapers confined to a few areas. But the provisions of the Bill, Sir, are applicable to all areas. If the Act said 'the provisions of this Bill shall be extended to such areas as the Government deem fit by notification' I would have understood it, Sir. But this Bill is to come into force and become applicable to the whole Province of Madras. I take it, Sir, that the Government are taking upon themselves too much of power and responsibility and I think they are not justified. It is regrettable that Members of Government who are eminent lawyers should think of ousting the jurisdiction of the courts which is the only safety to the individual liberty. I am sure, Sir, if the Hon. Minister had been on this side of the House, he would have protested perhaps much more vigorously than we, laymen, on this side are doing. They go on issuing ordinances as the High Court finds fault with their orders. It is unfair to the highest court of justice, Sir. I am glad the hon. Judges of the High Court were not perturbed by the attitude of the Government. They went on giving decisions and interpretations as they felt best, on the provisions of the Act. It looked as though the Government were threatening the High Court. 'If you find fault with us in this matter we will pass an ordinance.' One was passed. Another set of Judges of the High Court gave another decision. They said 'All right, we will oust your jurisdiction.' It is not fair either to themselves or to the High Court. I do not understand, Sir, how Members of the Treasury Benches could gulp down a legislation of this kind. The fact of the matter is nobody goes into detail in these legislative measures that come before the House. It is simply hustled through and if anybody raises any objection, Sir, as I have already said, we are found to be guilty of sabotage. All those hon. Members who have spoken against the Bill may get into the bad books of the Police to-morrow. That was so in the past and that is going to be so when the Bill becomes law, because they will be marked persons. And what is the provision, Sir, we complained against last time in 1947 when this Bill came? You are giving authority to minions of the law to take law into their own hands and arrest persons and put persons under detention. Then if the order is to be revised at all, it is to be done by the Government because the detenu has no recourse to a Court of Law. Sir, This is very unfair. Always, Sir, when an order is passed, the executive authority, the highest executive authority stands by that order. If a Policeman does something, the Inspector-General of Police will stand by him. That is the tradition of services. I do not blame them. But what is the remedy for the citizen who is affected. The courts of law are the only remedy and you are taking away the jurisdiction of the courts of law. I do not know, Sir, how my hon. Friend, the Minister for Law, put his signature to this. It is impossible to think any lawyer could acquiesce in that clause 4 and clause 4-A into which we will go later, Sir, insufficiency, vagueness, and all defects, which flaw in law enable a person to seek

17th November 1949] [Sri R. Suryanarayana Rao]

redress, are ratified. Sir, it is not fair. I do not think we on this side of this House will be a party to this Bill. If they pass it and enforce it even against us, it does not matter.

"We are glad, Sir, that the highest court in our province is standing up to the highest tradition and dispensing law as it should irrespective of the frowns of the Government. The Government are to-day enacting a law after promulgating an ordinance to counteract the judgments of the High Court. It is not fair, Sir. You must respect the courts of the land. It is not fair to the Hon. Judges of the High Court, men of honesty and integrity, who are discharging their duties. You are telling them that you are going to teach a lesson for the decisions and interpretations they give. Supposing all the High Court Judges said, the grounds on which detention is made are correct, they would have been good boys for this Government. That is one of the things why no Judge of the High Court should owe his appointment to the Treasury Bench. That was what we once said when there was discussion on the Indian Constitution. We said it should not be left to the Government to recommend the appointment of High Court Judges, because it places them in an awkward position. It has been so in the past and will be so in the future. How long are our friends on the Treasury Bench going to carry on, in the old bureaucratic way? There is no change in their attitude towards personal liberty which they value most. Sir, you were telling us that you were accused of an offence when you were in jail as though you had committed it actually, when you were outside. This is just like what my hon. Friend, Mr. Narayanaswami Nayudu quoted this morning. A young man was put in jail for two years. He was subsequently released. Immediately on his release, he was served with an order of arrest for an offence or an offence supposed to have been committed by him two years ago. He has been in jail under restraint. Should he not be given some time to see whether these two years' incarceration had effected some reformation in him? Immediately he comes out of the jail, an order is served on him and he is arrested. The order is waiting for him and the Policemen are ready. This is no better than the old bureaucratic method. I do not know with what face Members on the Treasury Bench can go to the country and say, 'We are for freedom of speech, freedom of action and freedom of everything' because every act of theirs is contrary to their professions. To crown all this, they want the imprimatur of the legislature for these lawless laws. I do not think any self-respecting member of any legislature will give his imprimatur to this lawless law whereby the jurisdiction of the courts is taken away and the sacred liberty of the person is infringed. I think, Sir, this House should be enabled to go into the matter and soften the rigours of the law. But if the Government have made up their mind to stand by clause 4-A, there is no use of referring the Bill to a select committee. If they are reasonable enough to understand the feelings of the country, not our feelings alone, and are in a mood to recast

3 p.m.

[Sri R. Suryanarayana Rao] [17th November 1949]

the provisions, we wish that this Bill is referred to a select committee. If not, Sir, let the steam roller roll on and let everything go on as they wish.

"Sir, since 1947, no attempt has been made to remove the causes which led to the enactment of the Public Safety Act of 1947. From what is happening in the country, it looks as if the situation is becoming worse and worse every day, even according to the Government. Have the Government looked into the causes of this? How is it that we are losing our hold on the people? What is it that makes the people listen to the cries of the Communists or people who are intent on creating disorder? Have the Government examined that aspect of it? I may tell the Government, Sir, that the more such laws are passed, as the British Government passed the Rowlett Act, the more difficult will it be for the Government to restrain the bad influences that are at work. The same warning that was given to the British Government at the time of the Rowlett Act, I have to give the Treasury Bench to-day. This is not the method of dealing with discontent in the country."

DR. A. LAKSHMANASWAMI MUDALIYAR :—"Mr. President, I do not think there is anybody in this House or outside this House who does not share the view that lawlessness should be put down and that there should be no encouragement given to people who defy law in one shape or other. If, therefore, hon. Members feel that, in spite of the faith that is in them, they should be supporters of law, they cannot help expressing views of a contrary nature in regard to the legislation that is now proposed to be enacted, it is because they feel that on occasions the very laws that they may pass may be promoters of more lawlessness in the country. Mr. Suryanarayana Rao, at the conclusion of his speech, gave an illustration of the Rowlett Act. So long as a foreign Government was in power, it did not matter to us and we had only to speak of the necessity of preserving the elementary human rights and let them face the music. But to-day, it is a question of addressing our own countrymen. What is the best manner in which we can put down lawlessness in the country? At the same time, I wish the House to take a comprehensive view of the matter and not merely pass legislation of this nature but also concert necessary measures to put down the spirit of lawlessness as soon as possible. There may be historical grounds for the spirit of lawlessness prevailing to-day. It may be that a section of the people are under the impression that because their own countrymen are in power, they may do what they like and defy laws. On the other hand, it should be duty of all of us and of the Government in particular to weed out unhealthy influence from society, and so create a state of mind in the public that they will be the fullest supporters of any legislation that the Government may propose in that respect.

"Sir, it has been well said that a second-rate law generally obeyed and implicitly believed in by the public is much better than

17th November 1949] [Dr. A. Lakshmanaswami Mudaliyar]

a first rate law which will be disobeyed and in which the public have no faith and have very great doubts as to its efficacy. One of the fundamental objections that have been taken against this Bill is for the introduction of clause 4-A, which is so much in violation of all human rights. It is time that the Government should reconsider their attitude even at this late stage. If clause 4-A is adopted by the House as it stands to-day, there will be no method of giving relief to a large number of innocent people who may, with the best of motives or with the worst of motives, find themselves in the clutches of the law. Sub-clause (2) of clause 2-A says :

'(2) In sub-section (1), the word 'harbours' includes the supplying with a view to evade apprehension a person with food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this sub-section or not, to evade apprehension.'

On the face of it, a person who actually connives at the evasion of apprehension of a person who is criminally responsible should not be lightly let off. On the other hand, what will be the effect of this particular clause? Sub-clause (3) says :

'(3) Sub-section (1) does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.' Suppose a son goes to his father and says, 'I have got to go urgently. Will you give me five rupees?' The father is not aware of the fact, but later on his son is found to be a person who broke the law. It is the unfortunate experience of some fathers that their sons do not communicate with them before breaking the law. The fathers do not know whether the law had been broken or not. Would that father not come within the clutches of the particular clause? If he does come within the clutches of the particular clause, clause 4-A will prevent his getting any redress whatsoever. (Interruption by Hon. Sri K. Madhava Menon.) But there is no method of avoiding or appealing against the punishment. That is my point. I know some unfortunate cases where this has come into vogue. The parent has unfortunately no knowledge of the vagaries of the son. It is an unfortunate state of affairs, but still it is there.

"Secondly, Sir, it has been suggested that mere matters of routine which are not strictly complied with should not be taken as grounds on which the particular punishment of detention may be set aside. Sir, a large number of persons have been invested by the Government with these powers to be exercised in the manner in which they deem to be best. These persons are frequently transferred and others are posted to their places. It is not altogether the fault of the individual concerned if he does not know exactly how to apply the law and if he does not fully comprehend all the provisions of the law. District Collectors are being transferred and new men are being posted and a multiplicity of duties are entrusted to them. Therefore it should not be surprising if a Collector here or a Collector there, even with the best of intentions, does not exactly comprehend the full implications the Hon. the Law Minister may have in his mind in framing such a legislation. It is for this reason that recourse is always had to another machinery which will be uninfluenced by all these factors and which will, in a dispassionate and cool manner, try to come to certain definite conclusions which

[Dr. A. Lakshmanaswami Mudaliyar] [17th November 1949]

will appeal to the public at large. Sir, it is the duty of the Government to see that whatever legislation they try to implement, they carry with them the bulk of the people. The greatest safeguard for any Government is public opinion as manifested by the views of the bulk of the people. If the bulk of the people come to the conclusion, on account of the fact that the law has not been as well enforced as it ought to be or that the provisions of the law have not been applied in the humanitarian manner in which they ought to be applied, if they come to the conclusion that there is something radically wrong in the provisions of the law, you defeat your very purpose in enacting the law. No law can be enforced merely by those who are in charge of law and order. It is the public that should be behind the enforcement of such law and order. It is from that point of view that I feel very strongly that a provision which deprives the highest judiciary of the land of any opportunity of expressing its opinion and giving relief where it may be necessary to give relief, is a provision which is quite contrary to the spirit in which the rights of humanity have been framed.

"I notice, Sir, that the Government propose in sub-clause 7 (1) of the Bill the following:—

'7. (1) The Provincial Government may, in the interests of public security or maintenance of public order, by order, prohibit or impose such conditions as may be necessary on the holding of camps or performance of drill or parade with or without arms, or any article, weapon or implement capable of being used as arms by any class of persons or organizations whose activities are in the opinion of the Provincial Government subversive of law and order.'

Then it is said in sub-clause (2):—

'(2) Any contravention of an order made under this section shall be punishable with imprisonment, for a term which may extend to one year, or with fine, or with both.'

It is not quite clear who will be considered as a person who contravenes this particular order. Unfortunately there are organizations some of them of an All-India character where this sort of drills, camps and parades with arms or sticks are in vogue. It is unfortunate, but I want this fact to be taken note of. I feel that a provision like this should not be in this Act alone but also in a Central Act. The Central Government and the Provincial Governments should restrain any sort of parades of this nature in any form with any kind of uniforms, whatever may be the object in view. If the object is merely social amelioration of the people, I do not see where drills and uniforms come in. If the object is any other purpose, then there is no use of closing the doors of the stable after the horse is stolen, because the Governments both Central and Provincial must come to realise that such parades and congregations are not consistent with the welfare of the public and the general maintenance of law and order. If I may venture to dilate for a moment, 20 years ago in 1928-29 when I was in Central Europe, the very features that are now unfortunately prevalent in this country were prevalent there. Groups of people under their leaders were parading there, sometimes with blank weapons and sometimes with positive weapons, and sometimes with no weapons at all. They paraded in uniforms. At that time it was said that they had no ambitions, political or

17th November 1949] [Dr. A. Lakshmanaswami Mudaliyar]

otherwise. But it soon led to a state of affairs when the originators of such movements did not have the same control over their followers. These groups of people took to political activity and they were the precursors of the fascist regime in Germany and the regime of Mussolini in Italy. I therefore wish to give this warning both to the Central Government and the Provincial Governments. Now that we have a national government which can be replaced on political ideologies, there is no question of any particular group of people exercising these rights which ultimately will not be for the safety of the country. As this measure is intended for the maintenance of public order in the country, this is a thing which should be taken note of.

"Secondly Sir, the Leader of the Opposition was referring to certain trends in Government policy and Government activities which may directly or indirectly contribute to the prevalence of lawlessness in the country. The most important thing is that all forms of lawlessness can be easily stirred up on a hungry stomach—that is the psychology of the human mind; and if we have people hungry, without employment, without clothes going about from place to place, they are the persons who are easily susceptible to any influence and who will therefore find themselves easily brought into the clutches of those few unscrupulous people who like to see that lawlessness prevails. 3-15 p.m.

"Sir, the Leader of the Opposition referred to the Prohibition Bill that had been passed by this House and said that there were certain difficulties that had arisen, one of which was that consequent upon Prohibition and the loss of Rs. 20 crores, the Government were not in a position to look to the amenities of the common man and the increase of unemployment, the increase of unrest, was due largely to that measure. He also said that Prohibition was responsible for this sort of lawlessness taking place. You, Sir, very rightly asked him in what way Prohibition could be held responsible for increase of lawlessness. May I, without his permission, answer the question? Prohibition has created a number of new offences."

MR. PRESIDENT:—"You have my permission; his permission is not necessary. In fact, my complaint was that he did not answer it properly."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"I shall venture to answer that query, Sir; and I hope I will satisfy you. My point is this: The enforcement of Prohibition in the whole of this Province has led to illicit distillation. Illicit distillation has brought about a number of lawless people into the fold of some men who have the means of utilizing these lawless elements for their own purposes. The spirit of lawlessness has prevailed, the spirit of lawlessness has spread, not merely among men, but unfortunately among women also, and sometimes among children, because these are the people that are used as agents and stooges for the carrying on of the campaign of illicit distillation. Whole villages, it has been reported, have gone on to illicit distillation. If a whole village goes to illicit distillation, let me tell you there is no public opinion

[Dr. A. Lakshmanaswami Mudaliyar] [17th November 1949]
in that village; everybody wants somehow or other to conceal the fact that he is defying law. Once that defiance of law spreads among the people, there is no limit to it."

DR. V. K. JOHN :—" If I may interrupt the speaker for a moment, Mr. President, may I draw your attention to the absence of Ministers here? There are only two of them and they are looking into files."

THE HON. SRI K. MADHAVA MENON :—" It is very wrong to say that I am looking into files; I am taking notes of every word said here, and I am in charge of the Bill."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" I am sorry for the interruption, because one can see and also hear. I do not think there is anything inconsistent in it. That apart, Sir, the point I wish to stress in no light mood at all is that this enforcement or apparent enforcement of Prohibition for the whole Province has led to innocent people being dragged into lawlessness and women and children also becoming lawless, and the spirit of lawlessness once released, there is no knowing as to where it may lead us. That is my respectful submission, Sir, in regard to Prohibition."

" Sir, there have been many criticisms made about this Bill. I wish the Government to note the fact that it is not from any spirit of contradicting what the Government have got to say that we have attempted to make these remarks. It is really because we wish to help the Government—our own interests are so intertwined with the maintenance of law and order that it is our desire that the Government should do everything to promote law and order, but by such means as will enforce law and order and as will bring public opinion to their side."

" May I, in this connexion, draw attention to one aspect of the question? I have found that within the last few days a number of ordinances were issued on the ground that the Legislature was not in session. You referred to that fact humorously when my friend Mr. Goyindachari unconsciously wanted that an ordinance could be passed, not realizing that by that he meant his own expulsion from this House or the winding up of this House. When an ordinance was passed by the foreign Government, every one of us felt that it was a wrong method and criticism was abundant in the press and on the platform about the unholy method of passing ordinances. I wish that this Government should take note of the fact that ordinance-raj is not real-raj, that we are here as legislators, and with a Legislature so often supporting the Government and being content with dotting their i's and crossing their t's, the Government need not hesitate about bringing their Bills before it or of summoning the Legislature. It is a matter in which I hope that hereafter at any rate, there will be no occasion to pass such ordinances. I was surprised to find that even in regard to a Bill where the Select Committee had appointed and practically all the stages had been gone through till the report of the Select Committee was submitted and the Select Committee stage was over, the Bill was not proceeded with and an ordinance was passed—i.e., with regard to the Rent Control Bill."

17th November 1949]

DR. V. K. JOHN :—" They are establishing Ram Rajya by ordinances."

MR. PRESIDENT :—" Ram Rajya was based on ordinances; there was no Legislative Council then."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Ram Rajya was ushered in after ordinance rule previously, but I do not know which rajya will be ushered in after this ordinance rule. That is my fear."

" I would lastly appeal to the Government not to take it that the Opposition Members here or any Members of the House who have spoken strongly about certain of the clauses here are not as much imbued with the spirit of supporting law and order as any Member of the Treasury Bench. I ask them to consider this matter carefully."

" One word more and I have done. Sir, on a former occasion, I referred to the point that important Bills were passed by the House, and that those Bills were referred to a Select Committee. I think it is a matter on which I must take serious exception in this case. Here is the most vital, the most important and the most complicated Bill being passed for a period of three years, and the Bill is to extend to the whole Province. I should think that prudence as well as necessity should dictate the appointment of a Select Committee, where every point of view could be thrashed out. I hope in future at any rate whenever large measures of this nature infringing upon the rights of the public in one way or the other are attempted to be passed, the Government will take note of the fact that the Select Committee procedure should be a *sine qua non* before bringing such legislation on the floor of the Legislature concerned."

*SRI N. RANGA REDDI :—" Mr. President, Sir, though I am not opposing the Bill, I should like to say a few words about it. When Government have to deal with an organization whose motto is violence, they will have to consider whether the methods and policies that have been followed previously will have to be followed now also. Various speakers who spoke on this subject have said that while the Britisher was here, and when such things were done, we raised our voice of protest. I would however like to say there is one important difference. So far as previous parties are concerned, they never wanted to overthrow the party in power by resorting to violence. They wanted to overthrow the party in power by using persuasive methods, by conciliation and by pleading. But so far as the present organization is concerned, their main motto is to overthrow the present Government by violence; when that is so, one will have to seriously consider whether all the policies and methods that have been followed previously should be made applicable to this organization. The technique of these Communists is entirely different. They have been working in various ways and therefore it is a matter for serious doubt whether the old policy should be continued. By that I should not be understood that I am lending my complete support to all the provisions

[Sri N. Ranga Reddi] [17th November 1949]

of this Bill. I know there has been some difficulty pointed out, if this Bill is to be applied to the whole Province. Even on a previous occasion when the Bill was discussed on the floor of this House, it was my feeling that irrespective of the fact that one organization was an organization whose motto was to overthrow the Government by violence, if it was made applicable to the whole Province, very serious consequences would follow. I submit there is one feature which is common to the village feuds and the Communist organization. Both of them use violence to achieve their purpose. If the purpose of this Bill is to rope in the leaders of the village feuds and the adherents of the village factions, I should certainly say it shall not be enacted; but if this Bill is to reach the members of the Communist organization, I should unhesitatingly give my support to the provisions of this Bill.

"As regards the delegation of powers under Section 15, I may remind the House that in the eighteenth century Burke is reported to have said 'Men are greater than measures'; and what he said in the eighteenth century is equally applicable to the twentieth century. Whatever laws you may enact, whatever provisions you may introduce in the enactments, unless the people who are to execute the provisions are proper persons, the enactments will be nullified practically, and even mischievous consequences may follow. Therefore, I submit if the Government want to reach people who are reported to be Communists and whose activities are dangerous, the persons entrusted with the duty of implementing the enactment should be above-board, should be high officers, not, as mentioned previously by head constables or constables. So, that point has to be carefully examined. I know very recently in the Cuddapah district there was an incident where a student leader was falsely personated by a Communist. A person was addressing a meeting; no doubt he was a Communist, but when he was asked his name, he gave out the name of a student leader of the Razampet High School. The matter went up to the headmaster of the institution who was asked to report if the student-leader took part in the meeting and if he spoke at that meeting. As you yourself said, Mr. President, while you were incarcerated in jail, there was some charge against you and you were made responsible for something. In the same manner, although that student-leader attended the school on that day, there was somebody interested in saying that he addressed a meeting in another place and he was a Communist. Of course, I advised him to say that he was not the concerned person and that he did not address the meeting that day and later, the matter was dropped. I say this only to emphasize that when things are reported in this manner, unless there is some scrutiny, the object of the enactment will be frustrated. On the other hand, it will even create mischief and more discontent. I submit therefore that the delegation of powers should be to persons like the District Magistrate and they should be made personally responsible for the orders of detention,—it should not be a case of merely dotting the i's and crossing the t's as my friend Mr. Lakshmanaswami Mudaliyar said, especially because there is to be no redress to be sought from courts.

17th November 1949] [Sri N. Ranga Reddi]

"I do not know, Sir, whether I will be within the four corners of our rules, if I were to refer to the case of police firing. So far as police firing is concerned, I know it is done normally under the ordinary law; in respect of police firing, it is necessary that an enquiry should be made in every case of police firing but no enquiry is made in very many cases. It is a matter of considerable importance. The Government should take note of the question and consider seriously whether it is not necessary in the interests of the public that there should be a public enquiry to satisfy the people that the firing was done only in the interests of law and order and that there has been no excessive use of violence . . ."

MR. PRESIDENT :—"Mr. Madhava Menon, does this Bill provide for firing by the Police?"

THE HON. SRI K. MADHAVA MENON :—"No."

* SRI N. RANGA REDDI :—"Sir, even if there is none, in such cases where police firing is resorted to, it is absolutely necessary that there should be a sort of an enquiry by an impartial tribunal, though not by a court of law, some sort of advisory body where these can be gone into so that it will also satisfy people to a very great extent."

MR. PRESIDENT :—"The Bill contemplates Advisory Councils."

SRI N. RANGA REDDI :—"Not only in cases in which reference is made by the Government to the Advisory Council but also even in cases of police firing, invariably it should be enquired into by an Advisory Council where the circumstances leading to the firing could be thrashed out and a decision may be arrived at whether there was any excesses on the part of the police."

* SRI M. NARAYANA RAO :—"Mr. President, I know that the Hon. the Law Minister is a capable lawyer and will answer all the legal points raised by members on the Opposition and the hon. Leader of the Opposition. As a layman, I am not very much concerned with legal complications but I want to place before the House facts as they are existing at present in the country. I am surprised that the hon. Member from Krishna raised objection to this Bill though the Communist menace is at its height in that district. Is it because he wanted to be in the good books of the Communists? Otherwise, I cannot find any reason for his raising a voice of opposition to this very important measure."

DR. V. K. JOHN :—"Is it in order for an hon. Member to attribute motives to an hon. Member?"

MR. PRESIDENT :—"It is not a motive but it is a reason."

THE HON. SRI K. MADHAVA MENON :—"Did not my hon. Friend say that any man with any sense of self-respect will never vote for this Bill. Is that not attributing motives?"

[17th November 1949]

* SRI M. NARAYANA RAO :—" In the existing circumstances of the country, I would like that the Government be given as much power as possible to deal with this emergency. Communist tactics are very mischievous. They are resorting to violence and subversive methods and secrecy is their motto and so it requires almost an autocrat to deal with such kind of persons and the popular Government should be given a blank cheque to deal with the situation as they think fit but always taking care that the officials concerned do not misbehave themselves. I even sometimes feel that this democratic form of Government is not suited to our country and there must be autocracy for sometime at least until things are set right."

DR. V. K. JOHN :—" Why not liquidate the Legislature? "

* SRI M. NARAYANA RAO :—" In the present circumstances, I feel that, the Government should be empowered to deal with the situation. Otherwise, the life and property of the people would be at stake. It is plain from the charge-sheet given by the Government how the Communists have been misbehaving themselves. Some of the hon. Members on the opposite side said that on account of the prevailing conditions in the country, Communists are making headway. I ask them, why not they go to polls in the next elections and why should they take to violence if the existing circumstances are favourable to throw out the Congress Government? Why should they have recourse to looting, arson and murder? If the country does not want Congressmen to rule, that will be an occasion for the Communist to throw them out by preaching their doctrine to the people and they can then rule the country according to their principles. If conditions in the country are favourable for Communism, certainly they can occupy the Treasury Benches and rule the country if the people return them to power. I may say in this connexion, that the present circumstances in the country are not of the making of the Congress Ministry. The British have ruled the country for 200 years and they have left the country starving and naked. Herculean efforts are being made by the Central and Provincial Governments to get over these difficulties and I am sure that within sometime, we will certainly establish 'Ram Rajya' in this country based on the principles laid down by our great Mahatmaji; though this set of Congressmen may not be able to fulfil it, another set of Congressmen will certainly see the establishment of 'Ram Rajya'. I would request the Opposition to come in and establish Ram Rajya if they can and then only we can have peace and contentment in the country. I would suggest to the Government that the best way of combating Communism is Gandhism. We cannot find a greater Communist than Mahatmaji. His Communism transcends all this sort of Communism that these people speak of. So, if you want to combat Communism in right earnest, it is only Gandhism and that will save the country from it. I would impress on the Government once again, as I said on so many previous occasions that they should

[17th November 1949] [Sri M. Narayana Rao]

take a bold step and see that the Government machinery is decentralised, that the villager is given responsibility to rule himself and not only that, to make him responsible for his own clothing, shelter and food. Unless, as Mahatmaji said, you make the village self-sufficient, I do not think there can be Ram Rajya and it is that doctrine that should be followed and you will see that Prohibition will be a success and everything will be a success. It should be a self-contained unit; there need not be any law courts, there need be no lawyers and no law colleges; arm the village panchayats with full powers (for that will establish Ram Rajya) and there should be full-scale Prohibition. In Ram Rajya, you cannot but have Prohibition, however much it may cost us. If Prohibition is to be a success, powers must be vested in the village. The Gandhian ideology must be followed in toto and Ram Rajya established to combat Communism and make the country prosperous and happy. I would like the Hon. Minister to see that the powers given to local officers are not abused. As has been pointed out in the Lower House, there have been excesses and the Police had done very bad things which cannot be uttered. I would request him to see that such things do not occur. People who have committed crimes should be punished but one cannot tolerate indiscriminate attack upon whole villages, molestation of women and destruction of property. What did property do? There is a hotel in Eluru; I do not know whether any Communists were there. Thinking that there was a Communist there, there was a Police raid on the hotel: the hotel-keeper was arrested and taken away and all the furniture in the hotel was broken and the food materials were thrown into wells. I do not know what the food materials did and why the furniture were broken. There was another incident in Korukolli in Bhimavaram taluk where there was a clash between the Communists and the Police with the result that a Police Sub-Inspector was shot and wounded by a Communist. Naturally there was a raid by the Police and when people knew about it, they merely walked out of the village but still the Police broke the doors and began to destroy furniture and much mischief was done. I would, therefore, urge on the Hon. Minister to see that there are no excesses on the part of the Police and that innocent people are not in any way harmed or disturbed. I want that all powers should be given to the Government but they should exercise those powers very carefully and see that their officers do not misbehave themselves."

SRI M. NARAYANA MENON :—" Mr. President, much apprehension has been felt about Clause 4-A of the Bill. After all, Sir, it is not so frightful as hon. Members would have it. That clause refers only to the order of detention and does not refer to imprisonment or punishment or anything like that. It says that the order shall not be invalid or unlawful or improper on certain grounds and that is, any defect, vagueness, insufficiency or delay in any communication made to the person detained under the Act. But on other grounds, it may be held to be invalid. If there is any defect or vagueness in any communication made to

[Sri M. Narayana Menon] [17th November 1949]

the detenu as to the grounds of the detention, these things shall not invalidate the order. The position is further well-guarded in sub-clause (3) of clause 3. It is said that a communication to the person detained shall be sent but it does not say by what time it should be made. Anyhow, it must be within six months. Such communication must be made without disclosing facts which the Government consider would be against public interests. That is one limitation on the liability of the Government to give facts and communicate with the person. Further, there is the other limitation, namely, that it must be sufficient to enable the person to make a representation. We must take all these things into consideration, that the Government are bound to communicate the grounds of detention, they must give sufficient facts to enable him to make representation though the Government are not bound to disclose facts which would be against public interests to disclose. Then clause 3 goes on to say that there shall be an Advisory Council before which these cases will be placed and that body would give their opinion to the Government whether the person could be kept under detention or not. Then comes the third stage, namely the stage at which the party may go before a court. In that case the clause says that such order of detention cannot be deemed to be invalid on grounds that I have read in clause 4-A; but it may be invalid on other grounds. After all, it is not the real reason for detention that is referred to in clause 4-A but it is the defect in the communication made to the detenu; this defect or vagueness is only secondary. If on the primary thing, namely, the grounds of detention, there is any defect, the order of detention will go. So that clause 4-A is not so frightful. It is only an indication that on flimsy grounds the order of detention should not be disposed of. Then, Sir, another fear was expressed, and that was by Dr. Lakshmanaswami Mudaliyar. It is this: if a person harbours another person other than the husband or wife, he would be liable under clause 2-A, sub-clause (3). Even if the harboured person is his son, the father would be liable. It may be the father has not heard that his son is guilty, the learned doctor said, and supposing the son asked the father to give him five rupees for running away, will not the father be affected by his act? That was his question. I say, 'No', the father will not be liable. For what the clause says, is this: 'Whoever, knowing or having reason to believe that an order for the detention of any person', etc. So when the father harbours his son not knowing that the son is guilty, he is not liable for his action. Only when he acts knowing or having reason to believe that an order of detention is passed against his son, is he liable. But in the case of a husband or wife, even though he or she harbours the other, they are not liable. Suppose a husband harbours his wife knowing she is guilty. Under sub-clause (3) he is not liable for his action."

MR. PRESIDENT:—"Why is it so?"

SRI M. NARAYANA MENON:—"Because a husband is only one-half or more than one-half of his wife; or the wife is one-half

7th November 1949] [Sri M. Narayana Menon]

more than one-half of the husband. So, they, not being a full person, cannot be held guilty. (Laughter.) But in the case of the father and son it is otherwise. Each is liable for his act. The father is asked to place his duty to the State above his duty to his son in the interests of the State. Unless we are prepared to do that, this country cannot be free from Communism. With these words I resume my seat."

JANAB ABDUL LATIF FAROOKHI:—"Mr. President, Sir."

MR. PRESIDENT:—"The voluminous note that you have, seems to be alarming." (Laughter.)

* JANAB ABDUL LATIF FAROOKHI:—"No, Sir, I do not have any notes. Sir, if we are commenting on or criticising this measure, it is not with a view to allow people who are breakers of law to go on as they like. We do certainly like and we do certainly wish that Government should be armed with sufficient power to punish those who carry on work against the interests of society. Sir, it is quite necessary that the liberty of the individual should be protected. Civil liberty is a sacred thing and it is a fundamental thing in any law, in any constitution in any land. Therefore, Sir, we want that in spite of all the defects in the measure we should help the Government by suggesting that the Bill should be referred to select committee. This motion is moved in order to save the prestige of Government: for they do not like to accept amendments moved on the floor of the House. So, we thought of suggesting this method of referring the Bill to a select committee, where they can sit calmly and discuss coolly without the disadvantage of being defeated on particular amendments. There they would be in a position to accept the amendments brought in by the Opposition. Sir, that is the idea in bringing forward this amendment to refer the Bill to select committee. Sir, as has been pointed out by several members, any law, that has no backing of the people, is a law that will only aggravate the situation and not redeem the situation. If only the Hon. Minister would go round the country and see what the reactions are to the laws they have passed, he will find that there is no justification for piling one repressive law on another. Even during the two hundred and odd years of foreign rule . . ."

MR. PRESIDENT:—"Please come to the Bill."

* JANAB ABDUL LATIF FAROOKHI:—"Even during the two hundred and odd years of foreign rule, the foreign government has not produced so many ordinances and so many repressive laws. If this Bill is passed, I feel, that after the 26th January next some of the most important clauses will be ineffective. For instance, take the clause which takes away or ousts the jurisdiction of the High Court. Section 202 of the draft constitution of the Indian Union empowers the High Court to issue writs. Now if this measure is going to be passed, is it not going to conflict

[Janab Abdul Latif Farookhi] [17th November 1949]

with the draft constitution? Is it not good grace for this Government to accept the amendments of the Opposition, which are going to be moved, and see that this measure is brought in line with the constitution of India as a whole. Now, Sir, let us consider, why such laws are necessary? Let us look into the reason. People have been referring to Communist activities. Sir, the other day I said, Government are, to some extent, instrumental in creating or bringing about the rise in the cost of living. The Hon. Minister for Transport at that time contradicted me when I said that the bus fares have been increased. He said it was not possible that without his knowledge the fares could be increased. I have verified my statement and have found that what I said is correct. This shows that Government have no knowledge of the acts done by their subordinate officers. I personally made inquiries; I saw the increased bus fares put up in notice boards on some routes, declaring that from the 7th instant onwards the bus fares have been increased. Sir, what is the effect of all this? There is discontent among the people. Speaking in a public meeting on the occasion of the birthday of our great Prime Minister, Pandit Nehru, the president of the Provincial Congress Committee of Madras said that there is great discontent and immense suffering among the people in this Province. And he said that but for the fact that the great leader Pandit Nehru is at the helm of administration, people would have risen in revolt. If that be the correct version of the speech, I quite agree with him that there is great distress, great discontent and great hardship among the people; and this has given rise to many things, on account of which, such laws as the present one have to be passed. Sir, instead of removing the cause, there is no use in trying to remedy the effect. All these laws which the Government are passing are only calculated to remove the effect and not the cause. If the Government were only kind enough to see why it is that people are amenable to the tactics of the Communists the Government will find, it is only because of the suffering of the people, their starvation and hunger and scanty clothing. It is to remedy these sufferings Government should direct their attention and not to passing repressive laws. Sir, as was pointed out by Dr. Lakshmanaswami Mudaliyar, if a father helps or harbours his son, he would be punished under this Bill, even though the father had no knowledge of the son's guilt. I would wish the father is exempted from punishment on the same analogy of the husband harbouring wife or the wife harbouring husband. For should we not expect the same human feeling as exists between husband and wife to exist between father and son. A loving brother would do the same thing to his sister, and a loving sister would do the same thing to her brother. Sir, this aspect of the question has been totally ignored by the draftsmen of this measure.

"Now, Sir, is there a real necessity to rush through this legislation. The Hon. Law Minister said that they came to know of the defects of the Bill after the decision of the High Court. When they wanted to pass the Ordinance after the expiry of the

17th November 1949] [Janab Abdul Latif Farookhi]

term of the last Act, was there any interval; and in that interval was there any commotion, was there any upheaval, was there any revolt in the country to necessitate the passing of the Ordinance? We wish that people are ruled with less of ordinances and repressive laws. So we think that this measure ought not to have been brought at all. This legislation reflects very badly upon the Government. It is going to haul up not only bad people, dangerous people, not only Communists. (Interruption by the Hon. Sri K. Madhava Menon.) My Hon. Friend, Mr. Madhava Menon says, my speech here will do me good in the next elections. The fact is, Sir, if only Hon. Ministers go round the country they will know what the people are saying about them. They say that Government are out to haul up and confine in jail people who will stand against them in the next elections, so that the field may be made clear for themselves to get elected."

MR. PRESIDENT :—"Do you believe in that statement?"
(Laughter.)

* JANAB ABDUL LATIF FAROOKHI :—"No, Sir. (Laughter.) I am only placing before the House what the people are feeling in the matter. Sir, it is not only necessary that Government should be above suspicion; but it is also necessary that they should give proof, positive proof of the fact that no suspicion can be entertained against them. Therefore, Sir, it is in the interests of the Government themselves, in the interests of the party in power, they should stay their hand from this kind of repressive legislation. Sir, I have always been saying that there is only one party in the Province to which the people can look for help, and that is the Congress Party. The Communist Party is a party of people who are out to disrupt society. So, I say, in the interest of the Congress Party itself, the prestige of Government should not be jeopardised. It is because of this we, on this side, want to offer suggestions on all measures they bring in, but Government feel that our suggestions are obstructive. I am only sorry for that. I appeal to the Government to sit down calmly and think over, 'what is the use of ordinance and what is the use of laws they pass; ' for ultimately it will be found they will not be obeyed by the people. Sir, we all know, certain laws have been passed formerly by a foreign Government; they were passed by a bureaucratic Government. Did any one of us think that those laws were just; did any one of us respect those laws. In fact Congress encouraged people to disobey them. Similarly, perhaps a time will come when people will take pride to break the measures which are now being passed. I do not want such a time should come."

"I want to place one more fact before the House. The 4 p.m.
Father of the Nation, Mahatma Gandhi, was murdered. The murderers of Mahatma Gandhi have been hanged but they were allowed every opportunity to appeal to the highest court. Even granting that a particular man is a Communist, should not the Government allow him the right of appeal to the highest court?"

[Janab Abdul Latif Farookhi] [17th November 1949]

Why should they say that the District Magistrate is the highest authority? The result of preventing people from going to the highest court will be that more discontent will prevail. Wherever there is repression, you will find that there is more sympathy for the repressed party. Sympathy for the Congress was there on account of the fact that the British Government began to repress that party. Even people who do not sympathize with a party begin to sympathize with it on account of the fact that that party is unjustly repressed. Therefore it is better that the Government do not create a situation in which they will be creating more sympathizers for the party which they want to put down. It is in that spirit we say that it is better for the Government to place all their cards before a Select Committee. Why should they be afraid of a Select Committee? After all, a Select Committee is a committee of this House and in it certainly their own partymen will be in predominance."

MR. PRESIDENT :—" That is an argument which will cut both ways."

* JANAB ABDUL LATIF FAROOKHI :—" But it will give the Opposition the satisfaction that we have had constructive discussion. It is quite another thing if we don't succeed in convincing the Government even after the discussion. The House is aware that the Government accepted many amendments in the Select Committee which they did not like to accept on the floor of the House. Such being the case, there is a greater chance of their accepting reasonable amendments in the Select Committee which they may not accept on the floor of the House thinking that it is against their prestige or that, if they are accepted in this House, they will have to go back to the Assembly and that the legislation will be delayed. Therefore, reference to a Select Committee will be a better course for the Government as well as the Opposition. It is in that spirit that the Opposition has moved the amendment. I hope that the Government will accept the Opposition's amendment at least once in a way."

" With these words, I second the amendment."

* JANAB K. T. M. AHAMED IBRAHIM :—" Mr. President, Sir, when the Maintenance of Public Order Bill, 1947, was discussed in this House, the severity and drastic nature of its provisions were pointed out and certain amendments were moved. At that time it was pointed out that the amendments could not be accepted as, if accepted, they would have to go before the other House which was not in session then, and that their acceptance would indefinitely postpone the passage of the Bill into law. But it was hoped, and that hope was raised on account of certain words that came from the other side, that the spirit of the amendments would be kept in view and that on some future occasion those amendments would be duly considered. But on the other hand, the Government have now come forward with the measure in a more drastic and severe form. One can understand the drastic nature of the Bill if he reads clauses 4-A and 19. It is an

17th November 1949] [Janab K. T. M. Ahamed Ibrahim]

admitted fact that personal liberty is a most fundamental and cherished right of every citizen and no Constitution in the world would easily interfere with it. Articles 15 and 15-A of the Draft Constitution of our own country provide safeguards for preserving personal liberty. Article 15-A provides that an arrested person must be produced before the nearest Magistrate within twenty-four hours of his arrest and that the grounds of arrest should be communicated to him as early as possible. That shows how much personal liberty is valued in the future Constitution of our own country."

MR. PRESIDENT :—" Does Article 15-A of the Draft Constitution say that the arrested person must be produced before a Magistrate within twenty-four hours? I am doubtful whether the Constitution goes into such details."

* JANAB K. T. M. AHAMED IBRAHIM :—" Yes, Sir, it says that he must be produced before the nearest Magistrate within twenty-four hours of his arrest. But exceptions are provided for preventive detention. In the interests of the security of the State, a man can be detained for three months. But that is only an exception to the main article."

" The provisions of this Bill encroach on the personal liberty of the citizen."

MR. PRESIDENT :—" The Draft Constitution has not yet become an Act. If it becomes an Act, this will go to the extent that this is repugnant to it."

JANAB K. T. M. AHAMED IBRAHIM :—" No Constitution in the world would allow interference with personal liberty."

MR. PRESIDENT :—" I would request the hon. Member to say if he has got anything to say on the provisions of this Bill. I want to finish the discussion on this Bill to-day."

* JANAB K. T. M. AHAMED IBRAHIM :—" When such a drastic measure is passed, the Government must see that the personal liberty is not interfered with ordinarily, especially when the interference is not by the Provincial Government themselves. Under clause 15, the Government can delegate their powers to any officer or authority subordinate to them. When power is exercised by subordinate authorities, it is liable to gross abuse. The possibility of abuse of powers should be minimized as far as possible. Are there sufficient safeguards in this Bill for minimizing the abuse of power? In spite of its drastic nature, under the 1947 Bill, there was at least the fear that the detenu concerned may move the court and have some sort of remedy if there was abuse of power. This Bill removes even that fear and subordinate officials are given perfect immunity under clause 4-A. I do not know why the Government are afraid of the judiciary. In almost every law brought before this House by the present Ministry, there has always been a clause for ousting the jurisdiction of the

[Janab K. T. M. Ahamed Ibrahim] [17th November 1949]

court. Clauses 4-A and 19 are the crowning clauses looked at from that point of view. Even if a sub-magistrate or police officer acts under the delegated powers, his acts cannot be questioned in a court of law and the detenu has to submit to his order without demur. Clause 4-A says: 'No order of detention . . . shall be deemed to be invalid or unlawful or improper on the ground of any defect, vagueness or insufficiency, or any delay . . .'. That is most comprehensive, and leaves no scope for a detenu to seek remedy in a court of law. *Ex post facto* legislation is an unheard of thing. Clause 19 gives retrospective effect to all acts done under the previous Act and Ordinances. When this Bill is passed, the cases which are now pending before the High Court will have to be withdrawn. It cannot be said that the subordinate officials have been doing their duty without any irregularity. Between September 1948 and November 1949, I understand that the High Court has dealt with about 250 cases. In about 175 of them, the High Court has ordered the release of the detenues. That shows the manner in which some subordinate officers are exercising their powers. About four hundred cases are now pending before the High Court. Does this not show that there is necessity for the courts to interfere at some stage or other? Does not the very fact that in about 175 cases the High Court has reversed the orders passed show that there must be some provision to prevent abuse? After all, subordinate officials also are human and they cannot be said to be infallible. Therefore, they should not be made to feel that their acts or orders will not be questioned.

"We were told in 1947 that section 3 of the Act provided for proper remedies to the aggrieved persons and that the Advisory Council would be very effective. But we wanted a judicial tribunal to be appointed and moved an amendment to that effect. We were told that the Advisory Council would be as good as a Judicial Tribunal. Clause 4-A nullifies even the safeguards provided in clause 3. It would have been more frank and candid on the part of the Government if they had decided that clause 3 be deleted.

"Much has been said about the Communists. Now that the Communist organizations have been banned under the Criminal Law Amendment Act, I do not know how this Act can be put into operation against Communists. If a person is a member of a Communist organization, he will have to be dealt with under the Criminal Law Amendment Act, for being a member of an unlawful organization.

"We have always been with the Government in the maintenance of law and order and suppression of violence. The Government themselves have admitted on more than one occasion the help rendered by the members of my party. For suppressing violence and maintaining law and order, I do not feel that a drastic Bill of this nature is absolutely necessary. Besides there are no sufficient safeguards in it. Clauses 4-A and 19 take away even the little safeguard which was in the Act."

17th November 1949]

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"Sir, my hon. Friend Mr. Suryanarayana Rao said—and these are his very words—'I do not feel that any self-respecting Member of this House should give his imprimatur to this steam-roller Bill.' Sir, I do not want to reply to him in the same strain. I only want him to realize that self-respect is not the monopoly of the Members of the Opposition. If we are to judge people by our own notions of self-respect, we might differ. But I would only say that it is certainly no argument, but an abuse; and abuse is no argument. Perhaps in the eyes of Mr. Suryanarayana Rao, Members who vote for the Bill may not appear to have self-respect, but in the eyes of others, the position may be different. All the same, Sir, I submit, that such remarks as these, even if there is any substance in their argument, would spoil the case and abuse of persons who pilot the Bill or who belong to a particular party, is certainly bad advocacy, even if there is a good cause. That is all I have to say with regard to my hon. Friend Mr. R. Suryanarayana Rao.

"Sir, Dr. John said that the Government must remove the cause of discontent in the country. As I have already said in the other House, we are arguing the question in a vicious circle. I admit, Sir, that discontent is a fertile field for the mischief-monger to make his mischief. But if there is a particular set of

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[Sri K. Madhava Menon] [17th November 1949]

people who are out to create discontent among the people in whom there is no discontent before, and who are out to do away with the existing order of society, to bring chaos, disorder and confusion in the land, whose programme and policy is to deliberately create strikes and lock-outs and thereby stop production, who are out to induce peasants not to cultivate or to harvest, what is it that we should do first? He asks us to stop discontent first. In order to stop discontent, we must put an end to the activities of the people who are creating discontent among the people. Sir, let me give the House an instance of what happened when we actually released certain persons from detention on account of vagueness of charge or for some other reason. The District Magistrate warned us saying, 'If you release those persons, you cannot expect me to have the crops in that particular village harvested.' We, however, disregarded his warning and released these people and the result was exactly what he had said, and the crops could not be harvested. You want us to give food to the people, but there are a set of people in the country who advise the ryots not to part with their grains, to prevent labourers from harvesting the crops and who make it impossible for the Government to arrange for procurement and distribution of foodgrains. Therefore, Sir, you are arguing in a vicious circle when you say, 'First remove the discontent and everything will follow;' but I say, that to remove discontent, we must first remove the people who are out to create discontent.

"Then, Sir, my hon. Friend Dr. John put us in a very difficult dilemma by espousing certain principles and doctrines. He said, 'All your difficulties are due to your nationalization of bus transport, to your programme of khaddar and to your policy of prohibition. If you have committed mistakes, you were human; if you correct your mistakes, you will be prudent. If you persist in those mistakes, you are stupid.' Sir, my hon. Friend wants that whatever he thinks as a mistake, we should admit it and correct it in order to get his approbation that we are prudent. But if we feel that it is not a mistake, and go on with our policy, we will be getting the appellation of stupidity from him. Sir, in this case, I would rather be inclined to have the appellation of stupidity than be foolhardy enough to release these Communists and retrace our programmes and policies in order to get his approbation of prudence and allow the Communists to indulge in their subversive activities, which threaten the very existence of the civil liberties of the large masses of our people in the villages.

"Sir, in this connexion, let me say a word about civil liberty of which much has been said in this House. Sir, hon. Members sitting in their cushions and lounging in their sofas, under the breezy and cool air of the legislature can talk glibly of all sorts of things about the civil liberty of the people who are detained and say, 'There is no civil liberty in the country; there is no security for people and their property. There is no freedom of movement and people's rights and activities are curtailed and so on.' Let hon. Members who indulge in such talks, just imagine

17th November 1949] [Sri K. Madhava Menon]

for a moment, the experiences which I myself had, and which the Government had during the last few months. My hon. Friend said, 'Remove the causes of discontent.' I ask him, Sir, was the derailment of the engine at Erode due to discontent or want of food? Was the burning down of the Madukarai Cement Factory, due to discontent or want of food? Was the setting of fire at the Golden Rock workshop due to want of food or discontent? Were the dacoities, arson, loot and murders that happened in the various parts of the Province due to discontent or want of food? Was the brutal murder of one Subbarayudu, the President of the Weavers' Society in Agenta Vemavaram, an act due to want of food? Sir, I have given a catalogue of the murders, dacoities, lootings, arsons and other atrocities perpetrated by these Communists in this Province. Are they all due to want of food? Hon. Members must understand that there is an organized and deliberate attempt on the part of a set of people to destroy the existing order of things, to bring about chaos and confusion in the land and to overthrow the present Government. Sir, recently an incident happened in Mathurai, where by a single act of these people, the food problem was solved and civil liberty restored! A dozen Communists entered into a hotel, and asked for food to be served and after having had a good repast of biriyani and pulavu, they came out of the hotel, and when the hotel-keeper asked them to pay the bill, they showed the sickle and the hammer. That is how one set of people solved their food problem and got their civil liberty in a moment! Is it for such kind of people that hon. Members plead for supply of food and civil liberty? What about the civil liberty of the hotel-keeper and of the hunger of the large mass of people who are starving in the country?

"Sir, in this connexion, let me just narrate what has happened in a village in the West Godavari district, where I had actually visited. There is a village called Agenta Vemavaram in the West Godavari district. There, there was one man, named Subbarayudu, who was the president of the weavers' co-operative society and president of the local congress committee. Our Communist friends there found it impossible to start a rival society there. They wanted to protect the civil liberties of the people in the village. One day, in broad day-light they entered the house of Subbarayudu with the sickle and hammer, and with the sickle chopped him inch by inch and with the hammer knocked his brain out and broke his bones. I went there with the Collector and the District Superintendent of Police two days after the murder. The population of the village was about 5,000 to 6,000, but not one dared to come out of his house. We went from house to house and wanted them to assemble in a meeting and to tell them that there was a provision in the Indian Penal Code, by which a man may commit even murder in self-defence and that nothing would happen to him. But nobody would come out of the house. They said, 'There are half-a-dozen people watching us and if we go and attend your meeting, to-morrow we will share the same fate as Subbarayudu.' Two hours after, the District Magistrate and

416 THE MADRAS MAINTENANCE OF PUBLIC ORDER BILL, 1949
(L.A. BILL NO. 24 OF 1949)

[Sri K. Madhava Menon] [17th November 1949]

the District Superintendent of Police were able to arrest half-a-dozen people. In half an hour, 5,000 people came out and heard me for 1½ hours. I should like to ask, 'What about the civil liberty of these 5,000 people? Don't you care for it?' We may sit comfortably here, talk glibly of civil liberty and things of that sort. I submit, Sir, that the test of civil liberty is not by the freedom of a few individuals, but the freedom of the majority of the citizens in the country and it is the intention of the Government to protect and preserve the freedom of the majority of the people, even if it were necessary to curb and curtail the freedom of a few handful of individuals, who are out to disturb the society. That is the purpose of this Bill, Sir, and that is the reason for including clause 4-A in it, although it is somewhat drastic.

"Sir, I do not want to go into the details of the criticisms levelled against this Bill. Some of the objections raised by my hon. Friends, Dr. Lakshmanaswami Mudaliyar and Mr. Bhima Rao, were to the issue of the ordinance. In that connexion, Sir, the name of the Right Hon. Srinivasa Sastri was brought in, who opposed a similar ordinance issued at the time when Mr. C. Rajagopalachari was the Premier of this Province, and who is now the Governor-General of India. Let me, in this connexion, Sir, read to the House the exact words of the Right Hon. Sastri and the reply given to him by Mr. C. Rajagopalachari, and I cannot give a better answer than what the then Premier had given to those people who spoke against the Ordinance Raj. The Rt. Hon. Sastri said:

" * * * I am not against his having taken an ordinance for this purpose at all. In fact, I said to many of my friends that he was perfectly justified in getting an ordinance issued." * * *

"I am going just to say a word on this ordinance. I am, Sir, of opinion that when the Prime Minister found that this Bill he had already published had no chance of being passed by both Houses and receiving the assent of the Governor in good time to stay the proceedings in Madras in court, he was entitled to use any means at his disposal for this purpose. And, as section 88 always bespoke and spoke beforehand the initiation of the Ministers themselves, it did not seem to derogate in any way from the position that he used his section for saying a situation which otherwise threatened to become very acute."

"Sir, my hon. Friend Mr. Bhima Rao referred to the judgment of the Bihar High Court. We did not know the judgment then. But a couple of months afterwards, that judgment was followed by a judgment of the Calcutta High Court. I may submit, Sir, that there are Public Safety Acts in every Province, containing a provision similar to ours, stating, 'It shall be in force for a particular period and it shall be extended by a notification by the Government.' Sir, there are four or five Acts of the Central Legislature wherein provision for extension by notification has been made. After the decision of the Calcutta High Court appeared in *The Hindu*, we began to consider the question and there was considerable difference of opinion in the matter even between Judges and lawyers. Sir, the Bihar Act was set aside by the Federal Court on the ground that the Act contained a provision which stated that further than extending the duration of the Act

17th November 1949] [Sri K. Madhava Menon]

by notification, the Government may by notification modify or vary any of the provisions of that Act. That was the main point which was considered by the Federal Court which declared that provision *ultra vires*. We had our own doubts whether our legislation would be *ultra vires* of the High Court. We took legal opinion in the matter and we consulted our legal experts and their opinion were equally divided. When the Calcutta High Court's decision was followed by the Federal Court's decision, we thought, as prudent men, we had better rectify the mistake, which had been pointed out by the Federal Court and that is the main reason why we thought of issuing an ordinance and of bringing the Bill in the present form, Sir. The ordinance was immediately issued because a number of *habeas corpus* applications were pending before the High Court. The ordinance had to be issued in a day or two as otherwise many persons would have to be released. We had to wait for a day or two to convince the Governor-General. That was the emergency for the ordinance.

4-30
p.m.

"Sir, Mahatma Gandhi has been quoted in this connexion. I may tell Mr. Bhima Rao that so far as the Central Government are concerned, the Governor-General has got the power now to issue ordinances even if the Legislature is in session, and it need not be approved by the Legislature later on. That is the way in which ordinances are issued. Because in emergencies we have to exercise such powers. I may quote here the words of the Hon. C. Rajagopalachari, when he was the Premier of Madras. He said in reply to the Rt. Hon. V. S. Srinivasa Sastriyar:—

"Not only that; I must specially tender my grateful thanks to the Rt. Hon. Srinivasa Sastriyar for another matter. He has stated on a very delicate matter his opinion with which even the Leader of the Opposition seems to be joining though from a different angle of vision. Ideas of civil liberty we have seen from all quarters. But that would be distraction. The main trend of the argument is this. I tender my thanks to him because he said, 'Contrary to the views of some of my friends I hold that the Prime Minister was justified in having recourse to an ordinance for the purpose in view.' It is a great thing to have that endorsement from the Rt. Hon. Srinivasa Sastri. I do not mind the Leader of the Opposition's doubts in the matter. I am greatly strengthened by the view of Mr. Sastri. As I have already said, it is plain to any one who knows the art and technique of Government and administration, that the Legislature is supreme and that the Legislature has the Executive to carry out its policy while in office. The Legislature is not sitting. To wait till the Assembly was summoned would be like the foolish servant who said, 'The tiger is on the rails. I am not able to go to the booking office. Please telegraph instructions to me.' The Executive has to carry out the policy of the Legislature and the will of the Legislature without a moment's interruption or break. It is because of this that in all constitutions in one form or another this power is provided for the Executive. There is nothing to object for those who are students of politics or administration. The country is full of prejudices—prejudices born of religion, prejudices born of custom, prejudices born of antipathy and prejudices born of political movement. Therefore this opposition to the ordinance is a sheer superstition, a prejudice born of the previous political movement, which has no reasonable basis whatsoever. That must be obvious to those who know what Government is and what Government has to be."

Sir, this is my answer to those who object to ordinances.

"Sir, I now come to the gravamen of the charge, i.e., clause 4-A. Except clause 4-A and clause 4-B, in all other respects this

[Sri K. Madhava Menon] [17th November 1949]

Bill is the same as the one passed in 1947. Clause 4-A relates to vagueness in communication and clause 4-B relates to parole. Nobody has objected to this. But I am surprised to hear objections to clause 19. This clause 19 is intended to validate all acts done during the interregnum. There can be no objection to this at all.

"I take very strong exception to the very uncharitable remarks that have been made about the attitude of this Government towards the High Court. Mr. Suryanarayana Rao said, 'you want to shut out the High Court.' Hon. Members asked why should the Government be suspicious of the High Court. This is all trying to put things which we never meant nor did we have in our minds. Sir, I will be the last person to say anything about the High Court and the judgments of the High Court. I respect them much more than many other people who want to make political capital out of this matter. What did the High Court say? They did not say that the Act was wrong. They stated that some of the actions of the Government, according to the interpretation of the Act, were not in terms of the Act as it stood. This is perfectly right. This is only for our safety. The High Court has to interpret the Act as it has been laid down. According to the interpretation of Their Lordships, some of the actions of the Government are contrary to the very Act passed by the Legislature. Their Lordships stated that according to their interpretation, that was not what the Legislature meant. They stated, 'you have done a wrong; cancel your orders.' I repeat again, Sir, what was the intention of the Legislature? According to me the intention of the Legislature, when once an order is passed under clause 2, is that the grounds on which the order has been passed or the sufficiency of the grounds or even the vagueness of the grounds should not be a matter for decision by the Court. Otherwise what is the purpose in detaining a person without trial? If we have sufficient material to charge him with, why should we detain him without trial? I do not want to prevent him from taking his trial. Nor is it possible that the requirements of clause 2 for detention can be dispensed with. I entirely agree. There is no doubt about that. With due deference, I may say that the High Court has rightly stated that the detaining authority must be satisfied, and that he must have specifically applied his mind to the case. It is not simply signing a cyclostyled paper for detention, which is wrong. He must have applied his mind, and after applying his mind, he must be satisfied that the person concerned is one who, in the interests of public peace and safety, must be detained.

"Now I come to the question of communicating the grounds of detention to the persons detained, i.e., clause 3. Mr. Narayana-swami Naidu gave an instance of a man who was detained for four months after the grounds of detention were communicated to him, and that eight months afterwards, the order was confirmed. According to clause 4 the order shall not be in force for more than six months from the date of the confirmation of the order. If it were the intention of the Legislature that the six months' period must start from the date of the order, the Legislature would have

17th November 1949] [Sri K. Madhava Menon]

definitely stated so. On the other hand, the Legislature stated that the District Magistrate or an officer of the Government can arrest a person, and after arresting him, if he is a delegated authority, he shall report with as much quickness as possible to the Government of his having arrested the person, furnishing at the same time the grounds for the arrest. Then the Government communicate the grounds to the person, and, after hearing his version, place it before the Advisory Council. On receipt of the report of the Advisory Council, the Government either confirm the order or release the detenu. The period of six months commence from the date on which the order is confirmed. It is the intention of the Legislature itself. (Interruption.) I say that delays in communication of the grounds are due to various reasons. I do not mince matters. There are various conditions in which delay is likely to occur. In most of the cases, the delay is due to this. The grounds are communicated to the detenus. They deny the grounds. This has to be checked up. Further material evidence is given. Even then he makes denials and assertions. These denials and assertions are to be checked up. During the days of Hyderabad trouble, the District Magistrates had very little time to think of communicating the grounds for detention. They naturally took some time to communicate the grounds. In those circumstances, delay was unavoidable. There was no way out of it. In the midst of cyclone relief operations now in the Circars, if a person is detained, and if the District Magistrate communicates the grounds for detention to the detenu after some 10 days, it cannot be said that it was done by *mala fide* intentions. It is impossible to avoid the delay in those circumstances. It is only to meet those contingencies clause 4-A is necessary. In this connexion, what has the High Court, in the Full Bench decision, which is the authoritative decision in the matter, stated? Section 16 of our old Act, and clause 16 of the present Bill say—

'No order made in exercise of any power conferred by or under this Act or deemed to have been made under this Act by virtue of section 19 shall be called in question in any court.'

Now, what is the intention of the Legislature in passing a clause like this? The High Court has interpreted this section. Their Lordships say in defining the section—

'What then is the residuum of power and jurisdiction of this court? It is the power to interfere and set at liberty a person who is being detained by an order which though purporting to be made under section 2 of Madras Act I of 1947, is not in fact such an order. This will be so in the following circumstances:

(a) when the order is not duly authenticated, as for example, when it is passed by an officer or authority not empowered under section 15 of the Act;

(b) when the person detained in pursuance of the order is not the person intended to be detained, that is to say, when there is a mistake of identity;

(c) when there is lack of *bona fides*; and

(d) when it is established that the essential requirement of section 2, namely, the satisfaction of the Provincial Government or an officer or other authority empowered under section 15 with respect to the particular person that he is acting or about to act in any manner prejudicial to the public safety or the maintenance of public order and with a view to preventing him it is necessary to direct him to be detained or otherwise dealt with

[Sri K. Madhava Menon] [17th November 1949]

under section 2 (1) of the Act, is not present. If it is established that neither the Provincial Government nor the officer or other authority empowered under section 15 has exercised its or his mind on the material placed before it or him, then an order of detention, though purporting to be passed under section 2 (2) must be deemed to be not an order under section 2.

It is only in the above four conditions the Court can interfere. This was Their Lordships' finding. They say—

'If these grounds do not exist, it is well established on the highest authority that this Court cannot investigate the sufficiency of the material or the reasonableness of the grounds upon which the Government or the empowered officer or authority had been satisfied. It is not competent for this court to call upon the Government or the detaining authority to disclose the information and material on which it or he was satisfied as to the necessity for the detention of the person concerned. The satisfaction required by the section is the satisfaction of the Government or the empowered authority and not the satisfaction of this court. There is no question of fact which can be submitted to this court in this matter. This position was fairly conceded by learned counsel appearing on behalf of the petitioners.'

4-45 Sir, I stand by this decision. What I have attempted to do in p.m. clause 4-A is only this. The decision of the High Court is with reference to lack of *bona fides* and not with reference to the delay in communicating the grounds or the insufficiency of the grounds. My submission, Sir, is that this is an extraordinary legislation to meet an extraordinary situation. We have ample instances where we have released men against the advice of the District Magistrates. The persons released have been responsible for the Madukarai Cement Factory fire and the Tiruppur murder. There are many cases in which the District Magistrates are satisfied that these persons should be detained. During the days of Hyderabad trouble, the officers knew definitely that certain people were out for trouble. But they could not prove that they had evidence. These people encouraged the Razakars from the Hyderabad State to abduct and hold people for ransom. They could only give a vague ground saying 'this man is suspected of helping the Razakars or trying to get ransom for the Razakars.' We know, as a matter of fact, that was being done, but we could not have definite proof of it. In such circumstances, is it not proper that we should be allowed to detain a man who is suspected of having done a mischief? After all, it is preventive detention. It is not a case where the offence has already taken place. It is only to prevent a certain action. In such cases, necessarily vagueness must be waived. It is not a case of want of respect to the High Court. The High Court having pointed out the defects in the orders and the mistakes that have been committed, it was not our attempt to at once bring out clause 4-A, but our attempt was to give concise and classified instructions to the detaining authorities to strictly adhere to the suggestions given by the High Court and see that the mistakes pointed out did not occur. So, we issued an order as early as February 1949 that on the basis of some recent judgment of the Madras High Court on certain *habeas corpus* applications, there must be evidence in the order of detention. In fact, we classified everyone of the defects pointed out and gave particular instructions to the authorities concerned. Such and such are the mistakes pointed out by the High Court and you should certainly avoid those mistakes and see that things which are allowed under

17th November 1949] [Sri K. Madhava Menon]

the Act and which are necessary alone should be done and nothing more.' We did want to act according to the instructions. But instances occurred where we found that the persons who had been released were responsible for certain mischiefs. In most of the cases which we ourselves examined and released the persons on assertions by them or denials by them or otherwise, we found that those released persons went underground and directed from there all mischief and trouble. It was quite impossible to get at them or stop the mischief. Mr. Suryanarayana Rao and some others have been saying that nobody could dream of such a provision as clause 4-A. Pandit Nehruji's name has also been brought into the picture as the guardian of liberty. In this connexion, I may say that the Government of India presided over by Pandit Nehruji sent us a communication as early as 10th February 1949, the contents of which are as follows:—

'A basic point in most of the Provincial Public Safety Acts is that the Executive is the sole judge of the necessity of detention and that the High Courts have no jurisdiction to examine merits of the grounds underlying orders of detention. Most Provincial Public Safety Acts also contain provision that the grounds of detention should be disclosed to the detenu so as to enable them to make a representation. It was never the intention that High Courts should examine the grounds as disclosed to the detenu and come to a decision as to whether these justified the order of detention.'

In certain *Habeas Corpus* cases High Courts have held that the grounds disclosed to detenus are insufficient, indefinite or vague and that the detention is therefore illegal. A well-known Communist detenu was set at liberty some time ago on this ground. The Government of India consider that there should be no room for any doubt that the communication to detenus of the grounds of detention is intended for the sole purpose of enabling them to make a representation to the Executive and that it is not open to High Courts to examine the merits of the grounds so disclosed and decide whether these justify detention or not. After discussion of this point with the Government of India, the Central Provinces Government put through an amendment to their Public Safety Act, and a copy of the amended section is enclosed for your information. The Government of India recommend that Provincial Governments will take an early opportunity of incorporating in their Public Safety Acts an amendment similar to that made by the Central Provinces Government.'

The draft of the proviso suggested by them is this:—

'Provided that neither the said order nor the detention of the said person thereunder shall be deemed to be invalid or unlawful or improper on the ground of any defect, vagueness or insufficiency of the communication made to such person under this section.'

Sri Suryanarayana Rao was thinking that he was in the good company of the High Court; I am also in the good company if he thinks that Nehruji's company is good, in putting this section. In spite of the fact that we had received this letter from the Government of India, we waited till now and we found that it was impossible to take any other step. So we have followed the advice tendered to us by the Government of India.

"Sir, I may even say that it is not the intention that the provisions of clause 2 should not be complied with. Certainly the detenu is entitled to everything to which he is entitled under section 2. When the Bill as originally drafted was presented to the Lower House, in clause 4-A there was some slight difference in the language. On the suggestion of Mr. Vaidyanatha Ayyar, to make

[Sri K. Madhava Menon] [17th November 1949]

the intention clear that the clause applied only subject to the provisions of clause 3, it was slightly amended, and it is in the amended form before this House. The original clause was . . . on the ground of any defect, vagueness or insufficiency, or any delay, in any communication . . . It has been changed into . . . on the ground of any defect, vagueness, insufficiency or delay in any communication . . . The word 'any' before 'delay' has been omitted so that the rights of the detenu under section 2 are protected, that is, the satisfaction of the detaining authority and that he has applied his mind to the facts of the case. The High Court is certainly entitled to go into the question whether the detaining authority has been satisfied and whether the satisfaction has been after applying his mind. But if there is any delay, insufficiency or vagueness in the grounds or in communicating them to the detenu, it shall not be a reason for declaring the detention order invalid. That is the object and that is, according to me, the object of the Legislature in originally passing section 16 of this Bill. So, I am sorry I cannot accept the resolution to refer the Bill to a Select Committee. After all, the only question under dispute is clause 4-A and the rest of the Bill has been re-enacted."

Mr. PRESIDENT :—" The question is—
' that the Bill to provide for preventive detention, imposition of collective fines, control of meetings and processions and of essential services, and certain other purposes be referred to a Select Committee.'

The motion was put to vote and lost.

" A poll was demanded.

" The question was again put and a poll was demanded a second time.

" The House then divided as follows :—

Ayes.

- | | |
|--------------------------------------|-----------------------------------|
| 1 Dr. V. K. John. | 6 Sri R. Suryanarayana Rao. |
| 2 Janab Abdul Latif Farookhi. | 7 Janab K. Uppl. |
| 3 Sri B. Narayanaswami Nayudu. | 8 Janab K. T. M. Ahamed Ibrahim. |
| 4 Dr. Syed Tajuddin. | 9 Janab V. Hamid Sultan Maricair. |
| 5 Sri M. D. T. Kumaraswami Mudaliar. | |

Noes.

- | | |
|--------------------------------------|-------------------------------|
| 1 The Hon. Dr. T. S. S. Rajan. | 12 Sri M. Sudarsanam. |
| 2 The Hon. Sri K. Madhava Menon. | 13 Sri A. Govindachari. |
| 3 The Hon. Sri C. Perumalsami Reddi. | 14 Sri M. K. Sundarama Iyer. |
| 4 Sri K. Venkataswami Nayudu. | 15 Sri S. Jayaram Reddiar. |
| 5 Sri S. B. Adityan. | 16 Sri N. Ranga Reddi. |
| 6 Sri L. Subbarama Reddy. | 17 Sri V. Nagappa Chettiyar. |
| 7 Sri M. Narayana Rao. | 18 Sri G. Venkata Reddy. |
| 8 Sri N. Sankara Reddi. | 19 Dr. P. S. Srinivasa Ayyar. |
| 9 Sri N. Venkatachalamaji. | 20 Sri C. Veerabhadra Rao. |
| 10 Sri T. Purushotham. | 21 Sri B. Bhima Rao. |
| 11 Sri K. Manathunainatha Desigar. | |

Neutrals — Nil.

The motion was declared lost.

17th November 1949]

Mr. PRESIDENT :—" The motion is—

' that the Bill to provide for preventive detention, imposition of collective fines, control of meetings and processions and of essential services, and certain other purposes be taken into consideration at once '."

The motion was carried.

Clause 2 (1).

SRI B. NARAYANASWAMI NAYUDU :—" I move—

5 p.m.

' Add the following after the word " order " occurring in line 4 of clause 2 (1) :—

" in writing and also set out therein or in a separate order the grounds on which the order has been made and particulars sufficient to enable the detenu to make a representation against the order ".'

" Sir, I submit that the present Act does not provide that the order should be in writing and should contain the reasons for which a man is detained. This is not a question of sufficiency or vagueness or any other thing. You have only to apply your mind and give the order in writing setting out the grounds for detention. Do you contemplate that the order will merely be oral and what is it going to be? It is not clear. Supposing a subordinate officer arrests a man, is it not necessary that he should then and there give the order in writing that so and so is arrested and detained on such and such grounds. I have very carefully considered this and I feel that necessary instructions should be issued by the Government to the subordinate officers. These defects were pointed out by the High Court in several orders. These orders are not carried out in spirit, though it is said that they are doing so. Their instructions are one way, but the law is made to be in another way. I ask, is it not necessary to write out the order. Are you going to order the detention of a particular person without writing out an order, by simply telling the Inspector concerned over the telephone, ' Please put so and so in jail.' Is it what is contemplated by you? I submit that it is not correct and it is quite unfair on the part of the Government."

SRI R. SURYANARAYANA RAO :—" I second the amendment."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I oppose the amendment. This amendment nullifies in effect the necessity for this Act. Because, if the Provincial Government or if the officer concerned is satisfied that a man is about to act in a dangerous manner prejudicial to public safety, he should be detained and put in prison at once. The officer cannot sit and search out the various grounds on which he should be detained and all that. The officer concerned cannot wait to get full information from the Police as to the grounds for which he should be detained and verify the records and then issue the order in writing setting out the grounds. I submit that it would be quite impossible to do that."

[17th November 1949]

SRI R. SURYANARAYANA RAO :—" If a particular person is going to act in an objectional manner, I think the ordinary law can as well be applied and the man can be booked."

The amendment was then put to vote and declared lost.

SRI B. NARAYANASWAMI NAYUDU :—" Sir, I move—

'For the words "report the fact" after the word "forthwith", in clause 2 (2) substitute the following :—
"or within twenty-four hours forward it".'

Sir, the Act says the fact of an order passed under the Act by an officer, should be reported to the Provincial Government forthwith. The intention is that the fact should be reported to the Government immediately without any delay. With regard to this, the High Court have observed in a particular case that they regretted to know that the officer sent the report only after 20 days. Is this the way in which the meaning of the word 'forthwith' should be observed. Therefore, I feel that there must be a definite mention in the Act that it should be at least within 24 hours the report should be sent. In all criminal cases, matters should not be delayed. So I feel that it is necessary that these words 'or within 24 hours' should be included in the clause. This is not a question of sufficiency, proof or evidence. This is only a question where you should apply your mind. I am only suggesting the introduction of the words simply to stress the need for the officers' reporting to the Government at once. Are you going to tell the High Court, 'Well. Never mind. Even if the report was sent by the officer to us after 30 days or 40 days, it does not matter. You must simply confirm our orders'. I will tell you that it is quite unfair."

* SRI B. BHIMA RAO :—" I oppose this amendment, Sir. In this connexion I would like to give an instance. During the recent police action against Hyderabad, the District Magistrate of Bellary took us into confidence and was giving us some information. He was sending all kinds of reinforcements and ammunitions to Hospet and other places, so that Razakars should not come again. We were making all efforts to secure all the ammunition in the town of Bellary. All the police that was available was there at that moment. One day, some constables brought about ten or fifteen people who had crossed the Tungabhadra river at various points and had come to the town of Bellary obviously with a view to spying what we were doing there. Sir, at such a time, is it possible to make an enquiry as to why these 15 people came there, verify facts and give an order and report the matter to the Government within 24 hours? Should the District Magistrate go into the reasons why each man came there from the other side, whether they were Razakars, whether they have come for spying purposes or for any other purpose? It is rather difficult for the District Magistrate to do all these at such a time. Certainly, it would take some time to make an adequate and complete enquiry as to why they have come. I have been in agreement with the hon. members opposite on many occasions. But in a matter like this, first things should have to be attended to first and priority should be given for important matters. It is impossible

17th November 1949] [Sri B. Bhima Rao]

to accept the amendment which says that the grounds should be given within 24 hours and the fact of detention should be reported to the Government. I have got several more things to say. But, I do not like to take up the time of the House, as the President wants to finish discussion of this Bill by 6 p.m. Once again I may say that it is very difficult to accept this amendment."

* SRI R. SURYANARAYANA RAO :—" I am surprised, Sir, that an eminent lawyer of the standing of Mr. Bhima Rao should come forward with such a remark as the one which he has just now mentioned. Could not these people be dealt with and booked under the ordinary laws? It is daily happening in the City of Madras that persons who are loitering about in the streets with no ostensible means of livelihood, are being taken by the police and imprisoned. Cannot the same thing be done in such cases also? It really surprises me that of all persons, Mr. Bhima Rao should bring forward such excuses, especially in regard to the matter of detention, which has a different purpose altogether."

* THE HON. SRI K. MADHAVA MENON :—" I am sorry my Friend Mr. Suryanarayana Rao is confusing the issue. What Mr. Narayanaswami Nayudu wants by his amendment is only a definition of the word 'forthwith.' We say that the fact of issue of an order under the Act shall be reported to the Government forthwith. Mr. Narayanaswami Nayudu wants it to be stated specifically that it should be reported within 24 hours. Section 4-A relates to the communication to the detenu. Section 2 relates to the order of detention. In one of the cases, the High Court has defined this 'forthwith' and have conceded 'reasonable delay.' So, we need not define 'forthwith' here.

"I know that we can take action under section 151 of the Criminal Procedure Code. But, you must remember that when action is taken under this section, you can detain a man only for fifteen days and on the fifteenth day he should be released. But in many cases, it takes the officers to enquire into the full particulars about the person who is detained and it happens more often than once that it is not possible to get the full information before the fifteen days. The position is that the man is to be detained immediately and it is not possible to get the required information within fifteen days. Hence it is not possible to take action under section 151 of the Criminal Procedure Code. In some cases, the officers have used this section 151. But in a majority of cases, where it is not possible to get the required information within fifteen days, this section is useless.

The amendment was then put to vote and declared lost.

The original clause 2 was put and carried.

Clause 2-A (3).

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I move—

'(1) In clause 2-A, sub-clause (3) for the words "husband or wife", the words "husband, wife, parent, child, brother or sister" shall be substituted.'

[Janab Abdul Latif Farookhi] [17th November 1949]

(2) Add the following as explanation to clause 2-A—

- (1) "Parent" means and includes maternal and paternal grand-parents how high so ever.
- (2) "Child" means and includes agnate or cognate child how low so ever.

5-15 P.M. "The only aspect in this amendment is its human aspect. I submit that if a husband is allowed to harbour the wife or the wife is allowed to harbour the husband, more consideration should be given to the love of the parents and to the love of the grandfather and grandmother. Sir, I repeat that this has a human aspect about it. The amendment is a simple one and does not in any way alter the provisions of the Bill or the principles that underlie the measure. I appeal to the Hon. Minister in charge of the Bill to accept this amendment."

DR. V. K. JOHN :—"I second it."

MR. PRESIDENT :—"The question is—

(1) In clause 2-A, sub-clause (3) for the words "husband or wife", the words "husband, wife, parent, child, brother or sister" shall be substituted."

(2) Add the following as explanation to clause 2-A—

- (1) "Parent" means and includes maternal and paternal grand-parents how high so ever.
- (2) "Child" means and includes agnate or cognate child how low so ever."

* THE HON. SRI K. MADHAVA MENON :—"Sir, I oppose the amendment, and there are two reasons for my doing so. In the first place this clause is a mere incorporation of what is contained in the Indian Penal Code on the question of harbouring persons wanted by the Government to be apprehended. That section stands here as it is, excepting the husband or the wife, in the matter of harbour or concealment. Secondly, the clause provides for the arrest of a person only if he harbours one, against whom, he knows, there is a warrant for arrest pending. Sir, we have come across many instances in which persons were harboured by those who knew full well that the people they were harboured were wanted persons. But we have been considerate in dealing with cases which deserved such consideration. There are cases also where the person who harbours is pretty old, and in such cases the individual is let off. And there are deliberate acts too. Recently a mother was prosecuted for harbouring her son and when questioned by the police if she was aware of the fact, that she should not have done so, she replied, 'I know he is a Communist and a warrant is pending against him.' So, Sir, there are cases in which the entire family is communist. In the circumstances, I cannot accept the amendment."

The amendment was put and lost.

The original clause 2-A was put and carried.

17th November 1949] [Sri K. Madhava Menon]

Clause 2-B was put and carried.

Clause 3 was taken up for consideration.

SRI B. NARAYANASWAMI NAYUDU :—"Sir, I move that—

'In line 6 of clause 3 (1) after the word "communicate", the words "within ten days after the arrest of the detenu", shall be inserted.

Add the following explanation at the end of clause 3 (1):—
"Explanation.—The ground and other particulars shall be clear as to time, place and other matters upon which the order under section 2, clause (1) was made."

Under the present clause, there is no time stipulated within which the grounds on which the order of detention is issued should be communicated. On the other hand the Bill provides that all delays in the matter of such communication shall be condoned. Sir, this is not at all fair. Recently the High Court pointed out certain defects in the Act while disposing of *Habeas Corpus* appeals from the detenus and it took in certain cases one year for the Government to pass orders rectifying them. The High Court has definitely stated that no delay should occur and should be tolerated. Sir, the District Magistrate issues an order detaining a person. Then he reports to the Government. The Government obtain the explanation of the detenu concerned and places it before the Advisory Council. The period of detention is then fixed as six months from the date the Government confirm the detention order. Sir, should there not be a time-limit at least while communicating the grounds to the detenu which at present may stretch to even one year and more? Section 151 of the Criminal Procedure Code limits the period of preventive detention to 15 days. But in this measure there is no time-limit at all. And while the High Court has pointed out there should be no delay, you come forward with a measure which says 'delays shall not render the order invalid'. Instead of saying that, I ask you, 'why not avoid delays by putting in a definite period in the relevant clause?' Again, the High Court has no jurisdiction over this legislation. That being so, is it not the duty of the Government to provide for a definite date by which a detenu should be informed of the grounds on which he was detained?

"Now, I shall deal with the 'explanation' suggested under clause 3 (1). Here again, I would like to quote the High Court's judgment which clearly states that the grounds of detention should be as clear as possible to enable the detenu to prepare his defence. I am not dealing here with sufficiency of evidence or proof. All that I want to say is that the detenu must be made to know in clear language the particulars relating to the time, place and other matters upon which the order of detention is issued. That is, the order must state that 'this person, at such and such a time wanted to commit or was about to commit or was likely to commit an illegal act at such and such a place, his antecedents were such, and so his presence in that particular locality was prejudicial to public interests'. If that clause does not contain these particulars,

[Sri B. Narayanaswami Nayudu] [17th November 1949]

there is no use of having that clause at all. After all clause 3 is only directory and need not be observed at all. That is the only logical conclusion one will arrive at. I would therefore say that when you pass an order it should be definite and contain all particulars of detention. Sir, I would like to put one question to the Hon. the Law Minister. You say that only certain grounds will be disclosed to the detenus and not all. But when the High Court points out that the communication should not be vague, you say such vagueness shall not be called in question in any court, hereafter. Sir, is it not a case of the ultimate power vesting in the Executive and not challengeable in a Court of Law? I feel that the High Court is entitled to an interference in such arbitrary detentions, and as this Bill takes away the power of such interference, I request my amendment may be accepted."

SRI M. D. T. KUMARASWAMI MUDALIAR :—" I second it."

MR. PRESIDENT :—" The question is that :

' In line 6 of clause 3 (1) after the word " communicate " the words " within ten days after the arrest of the detenu ", shall be inserted.

Add the following explanation at the end of clause 3 (1) :—

" *Explanation.*—The ground and other particulars shall be clear as to time, place and other matters upon which the order under section 2, clause (1) was made " , " "

THE HON. SRI K. MADHAVA MENON :—" I oppose the amendment, Sir. It is not for me to say whether the High Court has any jurisdiction and it is for the learned Judges of the High Court to decide. I would just try to allay certain misgivings entertained by hon. Members of this House. Sir, I may assure you that there has been no delay in most of the cases and in a very few cases in which there was some delay, there were sufficient grounds for it. I feel that ten days' time as suggested by my hon. Friend for preparing the grounds and communicating the same to the detenu concerned. It is highly impracticable to rush through the whole matter within ten days. As regards mentioning time, place, etc., I think it is not necessary to do so. For instance, one's antecedents, the atmosphere in which he lives, the locality to which he belongs, etc., are sufficient to convince the Magistrate that he is likely to act in a particular manner prejudicial to public interests and therefore has to be detained. There is also the case of others already detained, who commit offences in the jail. Therefore, it is not always possible to mention the time, the place and other matters in the communication sent to the detenus. We shall, however, see that all the difficulties pointed out by the High Court are guarded against to the maximum extent possible. There may be a few cases of exception in which it would not be fair to restrict the freedom of the officers. If they are bound by such restrictions then the Act will not be workable."

The amendment was put and lost.

17th November 1949]

Clause 3 (5).

* DR. V. K. JOHN :—" I move that—

' Clause 3 (5) shall be omitted and the following shall be substituted :—

" The Provincial Government shall accept the advice of the Advisory Council and pass orders accordingly " . "

Sir, while moving that clause 3 (5) be omitted, I would like to point out that clause 16 takes away the jurisdiction of the High Court in the matter of preferring *Habeas Corpus* appeals. That being so, the Government must at least follow the advice of the Advisory Council before whom under Clause 3 (4) the Government can make representations and to whom the Government can supply information. Sir, the Government constitute Advisory Councils with eminent men, like High Court Judges, and others, who are available to constitute themselves into such Councils. I feel that although the Council is advisory in name, its advice shall be accepted and acted upon accordingly. The Judicial Committee of the Privy Council itself is an advisory body but there is a convention, which is law, that His Majesty shall accept their advice and a decree will be passed accordingly. Therefore, I suggest to the Government that they should accept the advice of these councils. The other day, I put a question to the Hon. the Law Minister whether there were cases in which they had accepted the advice of the Advisory Councils at all and after some difficulty he said he could not disclose the fact. I say, let this House at least insist upon the Government to take their advice. Suppose an innocent man is locked up. The Advisory Council says ' release him ; there is no case against him.' Then the Government should at once let him free. There is some virtue in doing so. I hope my hon. Friends who could not support me in my opposing this measure *in toto* will at least lend their support to this amendment."

SRI R. SURYANARAYANA RAO :—" I second it."

MR. PRESIDENT :—" The question is that—

' Clause 3 (5) shall be omitted and the following shall be substituted :—

" The Provincial Government shall accept the advice of the Advisory Council and pass orders accordingly " . "

THE HON. SRI K. MADHAVA MENON :—" I am sorry, Sir, that Dr. John should have moved such an amendment. I may tell the House that seldom we interfere with the advice given by the Advisory Councils. The council makes recommendations in certain cases for release. In almost all the cases we respect that decision. But in some cases we are not in a position to accept their advice. In such cases the circumstances are such that warrant this course. I would take the House into my confidence and say that in several cases, notwithstanding the severe warnings by our officers that certain persons should not be released, we did release them in accordance with the decision of the Advisory Council. But what was the result? It had cost the lives of not only some Government

[Sri K. Madhava Menon] [17th November 1949]

officials but also of innocent men. I shall just give figures relating to detentions and releases which will show how Government are tackling this question. In November 1948, we had 744 detenus in this Province and the peak figure was in April 1949. The total number of detentions between November 1948 and 1949 was 1,169 and the number of releases 609. Today the figure stands at 644, that is 100 less than in November last year. The Advisory Council is therefore quickly attending to the cases and we are trying to accept its recommendations to the maximum extent possible. It is only in very rare cases we find it is impossible to accept the decision of the Advisory Council where it would be dangerous to do so in public interests. I therefore oppose the amendment."

The amendment was put and lost.

Clause 3 was put and carried.

Clause 4 was taken up for consideration.

JANAB ABDUL LATIF FAROOKHI :—" I move that—

"In clause 4, sub-clause (2) the following words at the end "and thereafter if and so often as it is again extended by a similar direction made in the same manner", shall be deleted.

Sub-clause (3) of clause 4 shall also be deleted."

Sir, after a man is detained for six months, he is given an opportunity to submit an explanation in writing. (Interruption.) Then when that explanation is received by the Advisory Council, it takes another six months for the Council to dispose it of . . . (The Hon. Sri K. Madhava Menon : No, not at all, so. It is impossible.) and the Government in their turn take yet another six months to pass an order. If the detenu is being detained like this endlessly, is it fair, Sir? Therefore, if my amendment is accepted, many of the sufferings of the detenus will go and I would request the Hon. the Law Minister to accept it."

DR. V. K. JOHN.—" I second it."

MR. PRESIDENT :—" The question is that—

"In clause 4, sub-clause (2), the following words at the end "and thereafter if and so often as it is again extended by a similar direction made in the same manner," shall be deleted.

Sub-clause (3) of clause 4 shall also be deleted."

THE HON. SRI K. MADHAVA MENON :—" I oppose the amendment. It is not correct to say that it will take six months for us to communicate the grounds to the detenu and that it will take another six months each for the Advisory Council and the Government to dispose of the case. The Government have provided that even before the expiry of six months, an order confirming a detention can be cancelled. Government feel as much for the detenus as hon. Members and we shall see that no order is issued without sufficient reasons."

The amendment was put and lost.

Clause 4 was put and carried.

17th November 1949]

Clause 4-A.

* DR. V. K. JOHN :—" Sir, I move—

"that clause 4-A be omitted."

5.30
p.m.

Sir, this amendment is a very serious amendment and we on this side of this House want to press with as much force as we can for the acceptance of the amendment. Hon. Minister, Mr. Madhava Menon, said this was in conformity with the intention of the Act. The High Court expressed otherwise. Then the Hon. Minister said that the Government of India said that there should be a provision like this.

"Now, Sir, I say, this is a very serious encroachment on the liberty of the subject. No man, innocent or not guilty, has any right to go to the High Court and say, 'I am not guilty, please examine my case.' I say, Sir, as it is, clause 16 takes away the jurisdiction of the court and if the High Court said we have jurisdiction, they want to circumvent the jurisdiction of the High Court and take away their powers.

"The new constitution will be passed very soon and will come into existence on the 26th of January next. Article 202 read with clauses 14, 15 and 15-A will certainly establish the position that clauses 4-A and 16 of this Bill will be illegal. What is the use of passing something which is going to discredit the Government, that they have gone to this extent and taken away the jurisdiction of the Court? Why should you pass something which will cease to be law after the 26th January? I ask them to examine the provisions of the constitution of this Country, the fundamental rights clause which the High Court will enforce. This Bill is against the fundamental rights of the constitution the draft of which has almost been passed. I protest against this clause 4-A and press that the amendment to delete it be accepted. We cannot be a party to this encroachment on the liberty of the subject and we cannot be a party to the exclusion of the jurisdiction of the court."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, I am seconding the amendment. The effect of the clause 4-A has been the subject of judicial examination, to-day. What the Lordships observed was 'What was intended to be validated was not only the invalidity, unlawfulness or impropriety or delay in communication, but also all such infirmities in the order or detention as well. The provisions of this section are very comprehensive and its language is ingeniously worded. It is possible to conceive that it might bring within its ambit defects which cannot be cured.' In this connexion Their Lordships said it was instructive to quote the words of Justice Sir Lawrence Jenkins, who, in a case regarding the interpretation of section 4 of the Indian Press Emergency (Powers) Act, 1910 had said 'The provisions of section 4 are very comprehensive and its language is as wide as human ingenuity can make it.' 'Indeed it appears to me to embrace the whole range of varying degrees of assurances from certainty on the one side to the very limits of impossibility on the other. It is difficult to see to what lengths the operation of this section might not plausibly be extended by an ingenious mind.'

[Sri B. Narayanaswami Nayudu] [17th November 1949]

"This is what I said and want to repeat. I want to ask the Hon. Minister for Law whether the section is not ingeniously worded. Whenever there is an order of detention it must be upheld by the High Court. It is only there to register and not to invalidate. I say, Sir, it is far too much and not to be given."

THE HON. SRI K. MADHAVA MENON :—"I oppose the amendment Sir. I have already answered and justified the inclusion of clause 4-A. Defects, vagueness, insufficient or delay in the communication to the detenu should not invalidate the order of detention. We have tried to protect such things in cases of detention wherever necessary. But we cannot give a categorical assurance in this respect."

"Dr. John was saying about guilt. There is no consideration of guilt here. This is only a preventive measure. It is to prevent such persons who induce others to violence or for some other reason, likely to act in a way which will be prejudicial to the public safety, even though they may not be guilty of any particular offence. If they are guilty of any particular offence we can take action under the ordinary law. It is not because they are guilty that they are detained. Therefore guilt does not at all arise. I can only say that when once the order is right from the point of view of the authorities concerned, other defects should not be allowed to invalidate the order. That is the idea behind the clause."

The amendment was put to vote and declared lost.

Dr. V. K. John demanded a poll and the House divided as follows :—

Noes.	
1 Hon. Sri C. Perumalsamy Reddi.	8 Sri K. Manathunainatha Desigar.
2 Hon. Sri K. Madhava Menon.	9 Sri S. Jayaram Reddi.
3 Hon. Dr. T. S. S. Rajan.	10 Sri M. K. Sundarama Iyer.
4 Sri B. Bhima Rao.	11 Sri C. Veerabhadra Rao.
5 Sri K. Venkataswami.	12 Sri V. Nagappa Chettiyar.
6 Sri N. Venkatachalamaji.	13 Dr. P. S. Srinivasa Ayyar.
7 Sri M. Narayana Rao.	

Ayes.	
1 Dr. V. K. John.	6 Sri R. Suryanarayana Rao.
2 Janab Abdul Latif Farookhi.	7 Janab K. T. M. Ahamed Ibrahim.
3 Sri B. Narayanaswami Naidu.	8 Janab K. Uppl.
4 Sri M. D. T. Kumaraswami Mudaliar.	9 Janab V. Hamid Sultan Maricar.
5 Dr. Syed Tajuddin Sahib.	

Ayes—9; Noes—13.

The amendment was declared lost.

DR. V. K. JOHN :—"This is a very serious encroachment on the liberty of the subject and exclusion of the jurisdiction of courts. We cannot co-operate in the further discussion of the Bill and let the Congress take the responsibility to pass this into law. We would therefore, ask your leave, Sir, to leave the House."

THE HON. SRI K. MADHAVA MENON :—"We take the responsibility and the challenge, Sir."

17th November 1949]

MR. PRESIDENT :—"I do not think it is necessary that the Hon. Members should leave the House. It is possible to be inside the House and not take part if you like. I am anxious to preserve the dignity of the House."

DR. V. K. JOHN :—"We comply with your suggestion, Sir. We do not take any part in the further proceedings."

Clause 4-A was then put and carried.

Clause 4-B was put and carried.

Clause 5 was put and carried.

Clause 6 was put and carried.

Clauses 7, 7-A, 7-B, 8, 9, 9-A, 9-B, 9-C, 10, 10-A, 10-B, 11, 12, 12-A, 13, 14, 15, 16, 17, 18, 18-A, 19, 20 and 21 were put to the House one after another and passed. 5-45 p.m.

Clause 1 and the preamble were put to the House one after another and passed.

THE HON. SRI K. MADHAVA MENON :—"I move, Sir—
'that the Bill be passed into law.'

Dr. Lakshmanaswami Mudaliyar said with regard to his criticism of the Bill, 'Give credit to us for the sincerity of our motives.' I entirely agree with him, Sir. Objections have been raised to certain portions of the Bill on very legitimate grounds. It was done more as a sort of warning to the Government in the use of the powers that they were taking. Instances have been pointed out by the High Court where we have committed mistakes. We have to be careful and not commit mistakes hereafter. The Leader of the Opposition and other hon. Members who have strongly opposed the Bill really mean this : 'Some powers you ask us to give you. We have given you those powers. Instances have come to us where you have committed mistakes. Do not commit mistakes hereafter, because the powers that you have taken are such that might be made use of to curtail the liberties of the subject which we all love. Be careful in making use of these powers. No amount of warning will be too much in this case. That is why we have been strong in our attitude of opposition.' I entirely agree, Sir. At one stage the members of the Opposition said, 'We do not want to take responsibility on our heads.' I said that we would take the responsibility and therefore our responsibility becomes much more than under the ordinary circumstances. We have to entirely rely on our own resources. Therefore even though technically the Opposition is not taking part, we shall be more careful than they have asked us to be. The Leader of the Opposition said that the figures I gave about releases under *Habeas Corpus* were not correct. I have now verified the figures I gave in the lower House. The total number that we had in April 1949 was 1,169. The number released by the High Court from November 1948 to November 1949 is only 69. Sixty-nine is a small figure when it is considered that the releases have

[Sri K. Madhava Menon] [17th November 1949]

been on various grounds and not merely on *Habeas Corpus*. The fact that after an year's working of the Act, the number of detenus have been reduced from 744 to 655 and about 609 have been released in the course of the year shows that we have not acting recklessly but we have taken sufficient care. I therefore ask the House to give its entire support and I move that the Bill be passed into law."

MR. PRESIDENT:—"The question is that the Madras Maintenance of Public Order Bill, 1949 (L.A. Bill No. 24 of 1949), as passed by the Legislative Assembly be passed into law.

The motion was carried.

MR. PRESIDENT:—"Tomorrow morning I may not be able to be here. The Deputy President will take my place. I should like to be present when the Draft Rules under the Zamindari Abolition Bill are taken up. So I suggest to the Government that the Draft Rules may be taken up in the afternoon and the Essential Articles Control Bill be taken up in the morning."

THE HON. SRI K. MADHAVA MENON:—"I shall look into it, Sir."

The House then adjourned to meet again at 11 a.m. on Friday, the 18th November.

VI.—PAPERS PLACED ON THE TABLE OF THE HOUSE.

Orders passed so far on the various recommendations of the Madras Provincial Housing Committee.

17th November 1949]

APPENDIX I.

[Vide answer to starred question No. 22 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 17th November 1949, page 348 supra.]

Bed strength in the City State Hospitals on 31st December 1948.

Name of the hospital.	Men.	Women.	Total.
1 Government General Hospital, Madras	597	258	855
2 Stanley Hospital, Madras	254	208	462
3 Royapetta Hospital, Madras	112	38	150
4 Tuberculosis Hospital, Madras	34	28	62
5 Government Hospital for Women and Children, Madras.	..	298	298
6 Kasturba Gandhi Hospital for Women and Children, Madras.	..	367	367
7 Rajah Sir Ramaswamy Mudaliar Lying-in Hospital, Madras.	..	100	100
8 Government Ophthalmic Hospital, Madras ..	375 (Men and Women).		

Daily average number of inpatients for the year 1948.

1 Government General Hospital, Madras	1,108
2 Government Stanley Hospital, Madras	697
3 Government Royapetta Hospital, Madras	168
4 Tuberculosis Hospital, Madras	92
5 Government Hospital for Women and Children, Madras ..	499
6 Kasturba Gandhi Hospital for Women and Children, Madras.	492
7 Rajah Sir Ramaswamy Mudaliar Lying-in Hospital, Madras.	177
8 Government Ophthalmic Hospital, Madras	445

APPENDIX II:

[Vide answers to unstarred question No. 1 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 17th November 1949, page 359 supra.]

Orders passed so far on the various recommendations of the Madras Provincial Housing Committee.

Recommendations 1 and 2.—"The Madras Buildings (Lease and Rent Control) Act, 1946, should be kept in operation until such time as the measures for relieving the housing shortage are well on the way." (Paragraph 15 of the report.)

"Housing development should be properly planned and executed." (Paragraph 17 of the report.)

The Government agree with these views.

(G.O. Ms. No. 6020, Development, dated 7th December 1948.)

[17th November 1949]

Recommendation 3.—"It should be the responsibility of the Provincial Government to deal with the problem of housing and executing housing schemes."

Recommendation 4.—"Combined activity by the Government, local authorities, Improvement Trust, etc., is necessary for the discharge of this responsibility and it is also necessary to stimulate co-operative commercial and private enterprise side by side with those of public authorities by affording financial aid, technical advice and rigid enforcement of better standards."

The Government are considering the question of preparing a co-ordinated plan in which the schemes of various house-building agencies such as the co-operative societies, the City Improvement Trust and the Corporation of Madras will be integrated. As regards the suggestion that co-operative, commercial and private enterprise should be encouraged by affording financial aid, etc., the Government are already assisting co-operative house-building societies by the grant of State loans, acquisition of sites, etc. In the existing financial position of the Province the Government are unable to extend financial assistance to commercial and private enterprise.

(G.O. Ms. No. 3838, Development, dated 18th July 1949.)

Recommendations 5 and 42.—"Lands suitable for housing schemes belonging to temples, religious institutions, etc., should be taken on lease, for long terms, say 99 years, instead of purchasing them, in order to reduce the overall cost of the schemes considerably." (Paragraph 21 of the report.)

"In taking lease of land belonging to religious institutions, due regard should be paid to the possibility of the religious authorities objecting to specific communities using the land belonging to the concerned religious institutions." (Paragraph 112 of the report.)

The Government accept the views of the Registrar of Co-operative Societies that no action is necessary on these recommendations.

(G.O. Ms. No. 6020, Development, dated 7th December 1948.)

Recommendation 7.—"Mechanization of labour should be attempted though it will require an entire reorientation of outlook and the size of magnitude of the work will determine whether such is economically feasible or not." (Paragraph 23 of the report.)

The Government generally accept this recommendation.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

Recommendation 8.—"In respect of distribution of housing among different classes of people, Government servants should be given first priority, municipalities and public institutions should come next; industrial areas will have to be given a high priority.

17th November 1949]

The needs of others belonging to low income groups will have to be taken next in the order of preference. Provision of housing for the homeless, also, such as beggars, pavement dwellers, etc., is an immediate necessity. The needs of the middle and the richer classes who can afford to pay economic rent on the class of house they need, can be left to co-operative enterprise and private corporations to develop." (Paragraph 25 of the report.)

The Government have not undertaken any housing scheme for the general public. They cannot lay down any order of priority in respect of houses constructed by other agencies like co-operative house building societies. In the circumstances, to lay down any rule in respect of priority in the distribution of housing facilities between these different classes of people, it is neither appropriate nor practical.

(G.O. Ms. No. 3544, Development, dated 4th July 1949.)

Recommendations 9 and 21.—"The housing of the middle and well-to-do classes should be helped in the supply of materials, provision of building land such technical help as may be needed to keep the development on right lines." (Paragraph 25 of the report.)

"Temporary housing such as Nissen huts for providing immediate relief as is done in the case of military camps is not commended for the following reasons:—

- (a) Such accommodation will be wasteful and far outweigh the doubtful benefit it might confer; and
- (b) the generality of the people in the City to whatever group they may belong would not take to such dwellings." (Paragraph 57 of the report.)

The Government accept these recommendations.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

Recommendation 11.—"The bigger landholders can be mobilized to provide housing for their workers but the State should render them every direct and indirect aid for the purpose. The help should be both financial and otherwise. The financial aid should be in the form of subsidies, cheap credit, etc., as in the case of, and on terms similar to, those applicable to industrial establishments." (Paragraph 26 of the report.)

There is a rural housing scheme under the consideration of Government. It is considered that the workers employed by landholders can avail themselves of the benefits of this scheme.

(G.O. Ms. No. 3544, Development, dated 4th July 1949.)

Recommendation 13.—"Housing for the poor and the destitute including beggar homes for beggars and dormitories for pavement dwellers should be provided by local authorities aided by the State and run as a social service." (Paragraphs 26, 164 and 180 of the report.)

[17th November 1949]

Recommendation 19.—"Begging must first be made a penal offence and rescue houses provided when an Act prohibiting begging is brought into force. Beggars must be suitably accommodated outside residential areas in the City and larger towns. The financial responsibility of providing accommodation for the homeless beggars must be shared by the Government, the concerned local bodies and municipalities and private charity should be encouraged as much as possible." (Paragraphs 55 and 268 of the report.)

Under the existing financial conditions of the Province the Government cannot provide money for financing schemes for housing beggars and other destitutes. The finances of the local bodies are not generally satisfactory. In the circumstances no action is possible now on these recommendations.

(G.O. Ms. No. 3544, Development, dated 4th July 1949.)

Recommendations 14 and 117.—"As a matter of immediate relief, in order to meet the needs for a few years, for the one lakh of people living in the cheries in the Madras City and requiring some 17,000 houses to lodge them, the authorities should provide roads, drains, sanitation and water-supply and also raised plinths with impervious floors to raise their hutments. This will cost only one-third of the cost of proper housing." (Paragraph 38 of the report.)

"Subsidies and loans, same as those recommended for municipalities and local bodies should be extended to the City Improvement Trust in so far as they relate to slum clearance, re-housing and housing the displaced." (Paragraph 175 of the report.)

The Government have examined the above recommendations. They consider that no special action on the first recommendation on the part of the Government is called for. It is hoped that the Madras City Improvement Trust which has a programme of slum clearance will, in carrying out the programme, give preference to the slums which claim immediate attention.

As regards the other recommendation mentioned above, the Trust is being treated as a local body for purposes of borrowing money from the Government. In regard to the grant of subsidies for slum clearance and housing or re-housing schemes, the Trust will be treated on a par with the other local bodies. The question of granting subsidies will be considered on the merits of each scheme, as and when it is submitted for the sanction of the Government and with reference to the finances which can be earmarked by the Government for the purpose.

(G.O. Ms. No. 3212, P.H., dated 21st September 1948.)

Recommendation 15.—"Besides encouraging planned housing development in the extended City limits, open space available within the City itself should be explored for housing; for instance, the two Government House compounds (Chepauk Gardens and Guindy Park)." (Paragraph 43 of the report.)

[17th November 1949]

The recommendation is not accepted so far as it relates to the Guindy Park. Separate orders will be issued in the departments concerned in regard to the other open spaces available in the City.

(G.O. Ms. No. 1538, Development, dated 24th March 1949.)

Recommendation 16.—"In the City of Madras there are residential and other parts which contain public and private roads which are unsatisfactory and which have not yet been taken up by the Corporation. The Corporation should expedite the taking over of all these roads and bring them to a satisfactory condition as also the private roads, the cost of such works having already been paid for." (Paragraph 51 of the report.)

The Commissioner, Corporation of Madras, reports that in the case of private roads where the cost of improvements has already been recovered from parties, the improvements to most of the roads have already been completed and that in the remaining cases, the work is proceeding apace. In regard to private streets in respect of which the cost of improvements has not yet been recovered from parties, the improvements are being executed expeditiously and the cost will subsequently be recovered from the parties concerned. Government do not therefore consider that any further action is called for on the recommendation of the Madras Provincial Housing Committee, referred to.

(G.O. Ms. No. 90, L.A., dated 18th January 1949.)

Recommendation 17.—"The scheme for a canal connecting the Cooum North Branch with the Springhaven Basin may be taken up by the Government and proceeded with, if feasible, for the purpose of (1) flushing the Cooum, (2) relieving the congestion at basin wharves, (3) avoiding the double handling of cargo and (4) eliminating the spectacle of a long continuous stream of manhauled carts along some of the main streets and roads of Georgetown and the consequent heavy congestion." (Paragraph 51 of the Report.)

The matter was examined in consultation with the Chief Engineer, Public Works Department. The Government direct that the proposal for connecting the river Cooum with the Springhaven Basin in the Madras Harbour be deferred until the Southward expansion of the Madras Harbour becomes a settled fact and the whole layout is planned and finalised.

(G.O. Ms. No. 2604, P.W., dated 13th July 1949.)

Recommendations 20 and 22.—"Hostels for single men and women, boys and girls should be established in the City at convenient places with suitable accommodation such as common halls, dining rooms, common kitchen and canteens. They should be separate for each age group and sex." (Paragraph 56 of the report.)

"The Government should build hostels for the accommodation of the students and allot to Government servants belonging to low

[17th November 1949]

income groups who may later be shifted to residences that may be built specifically for them, the hostels being transferred to the colleges to which they are appurtenant." (Paragraphs 57 and 163 of the report.)

The Government have decided that action on the recommendations of the Madras Provincial Committee so far as they relate to construction of hostels should be deferred.

(G.O. Ms. No. 3034, Education, dated 1st December 1948.)

Recommendation 24.—"There is urgent need for Women's Associations to help the Government and the local authorities in house property management such as collection of house rents, and education of tenants for the clean and orderly maintenance of the tenements." (Paragraph 58 of the report.)

The attention of the Corporation of Madras is invited to recommendation 24 of the Madras Provincial Housing Committee and his remarks thereon. The Corporation is requested to take steps to secure the help of existing Women's Association on educating the public in the clean and orderly maintenance of tenements.

(G.O. Ms. No. 91, P.H., dated 10th January 1949.)

Recommendation 29.—"Government buildings and Government building operations should be subject to the same rules and regulations as are required to be complied with by private bodies. The Government Buildings Act of 1899 should be repealed in the large interests of the community." (Paragraphs 61 and 269 of the report.)

The Committee recommends that the Government Buildings Act of 1899, which provides for the exemption of Government buildings from the operation of municipal building laws, should be repealed. The Act is a Central Act applicable to the whole of India. The Act provides that in all cases, except in the case of structures connected with defence, etc., reasonable notice of the proposed work should be given to the municipal authority before it is commenced and that the Government are bound to consider any objection or suggestions which may be made by the municipality. In view of this safeguard the Board of Revenue considers that there is no need to repeal the Act but that it is enough if in erecting Government buildings all amenities and necessities from a public point of view are strictly carried out. The Government agree with the views of the Board.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

Recommendation 30.—"The Fort St. George and the Glacis should be taken over and included in the City limits and all Government Offices in the City should be located in the Fort area or in close proximity thereto, thereby helping to relieve congestion in other parts of the City so as to enable one to transact business with more than one Government Department." (Paragraph 62 of the report.)

[17th November 1949]

The Chief Engineer, Public Works Department, whose remarks were called for, has stated that if the Government of India agree to hand over to this Government the existing military buildings within the Fort area, they will be just sufficient to accommodate the Government offices now located outside the Fort St. George, but that some improvements to the buildings will be necessary for making them quite fit for accommodating the offices. He has also stated that if the Government of India do not agree to hand over the buildings but agree to hand over only the vacant sites now available for building purposes in the Fort St. George and the Glacis, new buildings may be constructed at an approximate cost of Rs. 3 crores, for accommodating all the offices in the city now outside the Fort area.

The Government consider that it is doubtful whether the Government of India would agree to hand over to this Government either the military buildings or the vacant sites in the Fort St. George and the Glacis, and that, even if they agree, the present time is not opportune to embark on large building schemes, in view of the existing high cost of materials and labour. The proposal to locate in the Fort area all the Government offices in the city, has also to be considered in the light of the proposed southward expansion of the Madras Harbour. The Government have therefore decided to drop the proposal for the present and to take it up for consideration later, if conditions are then favourable.

(G.O. Ms. No. 2589, P.W.D., dated 12th July 1949.)

Recommendation 36.—"Detailed survey of housing, showing the extent of overcrowding existing in each individual area and the number of houses which are below human standards of habitation, should be undertaken to serve as a correct guide for formulating housing schemes in that area." (Paragraph 89 of the report.)

The Government consider that the survey of housing conducted by the housing committee constituted in pursuance of G.O. No. 2325, Development, dated 26th May 1947, is sufficient for the present.

(G.O. Ms. No. 999, Development, dated 28th February 1949.)

Recommendation 38.—"Land required for house building purposes by the Government, local authorities or public utility institutions should be compulsorily acquired by invoking the provision of Land Acquisition Act." (Paragraph 111 of the report.)

The recommendation is accepted.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

Recommendation 39.—"Effective control should be exercised over cost of building land and its value should be fixed by legislation on the basis of prices prevalent in the locality in 1939-40 with an increment subject to a maximum of 40 per cent over the basic price. This control should, however, apply only to land required

[17th November 1949]

for housing schemes undertaken by the Government, the local authorities or public utility institutions." (Paragraph 111 of the report.)

The Government have examined in consultation with the heads of departments concerned, the question of introducing legislation to control the value of building sites in this Province.

The Board of Revenue, the Registrar of Co-operative Societies, the Chairman, City Improvement Trust, and the Commissioner, Corporation of Madras, are not in favour of introduction of any such legislation. The Government accept their views and consider that no legislation is necessary to control land values either on the basis of the Bombay legislation or according to the Provincial Housing Committee's recommendation.

(G.O. Ms. No. 652, Development, dated 10th February 1949.)

Recommendations 40 and 41.—"The Government or the local authorities should acquire the land required for housing either by outright purchase or on long term lease extending to 99 years and lease it to the builder in order to exercise effective control over the use of the land. The same policy should be adopted with regard to land belonging to the Government or local authorities or public utility institutions." (Paragraph 112 of the report.)

"Suitable legislation for requisition of building land should be enacted." (Paragraph 112 of the report.)

In G.O. No. 4988, Development, dated 29th October 1947, the Government have ordered that the lands required by Co-operative House Building Societies should be acquired under the Land Acquisition Act. The Registrar of Co-operative Societies is not in favour of acquiring the lease-hold rights of lands as the public may not like the plea of constructing houses on lease-hold properties. The Government accept the views of the Registrar of Co-operative Societies.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

Recommendation 43.—"Co-operative Building Laws should be amended in order to permit the financing of house construction on lease-hold properties." (Paragraph 112 of the report.)

The Registrar of Co-operative Societies has suggested the following safeguards for the grant of loans for house building on lease-hold properties:—

(i) The term of the lease must be such that it will expire not less than 10 years after the period of the loan sanctioned expires;

(ii) the lease should provide a condition that there is no objection to the lessee putting up houses on such lease-hold lands. It should also provide for the payment of adequate compensation to the lessee for the improvements effected to the property including houses constructed, etc., when the lessor takes back the land; and

[17th November 1949]

(iii) the maximum borrowing power of the member who constructs houses on lease-hold properties should be restricted to four times the paid-up share capital instead of five times as in the case of other land.

The Government accept the recommendation subject to the safeguards suggested by the Registrar of Co-operative Societies. The Registrar of Co-operative Societies is requested to submit necessary amendments to the rules governing the grant of loans to building societies.

(G.O. Ms. No. 6020, Development, dated 7th December 1948.)

Recommendation 44.—"Special land acquisition staff should be appointed to speed up acquisition or requisition proceedings." (Paragraph 113 of the report.)

Government have already appointed special land acquisition staff for work connected with housing schemes.

(G.O. Ms. No. 6020, Development, dated 7th December 1948.)

Recommendation 45.—"Section 17 of the Land Acquisition Act should be suitably amended in order to bring within its scope of emergency the acquisition of land for building schemes undertaken by local bodies, improvement trust and building societies." (Paragraph 113 of the report.)

The Government have already examined the question of amending section 17 of the Land Acquisition Act and have decided that there is no need to amend the Act.

(G.O. Ms. No. 6020, Development, dated 7th December 1948.)

Recommendations 49 and 50.—"Wet and cultivated lands within the border of the city or municipalities which are sources of infection and militate against the health of the locality should be reclaimed and made fit for building in preference to extending municipal limits." (Paragraph 117 of the report.)

"The recent Government Orders prohibiting the use of wet lands for building purposes should not apply to areas inside cities and municipal towns or areas contiguous to them." (Paragraph 117 of the report.)

The Government have since decided to undertake legislation to prohibit construction on wet lands, provision is, however, proposed to be made for constructing houses in deserving cases. The Government do not therefore consider it necessary to grant general permission for the use of wet lands situated within municipal limit for building purposes.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

Recommendation 51.—"The Provincial Government should take necessary steps for getting a larger allotment of steel from the Government of India and to see that an adequate share of the quantity is obtained and earmarked for building schemes of this Province." (Paragraph 118 of the report.)

[17th November 1949]

Steps are being taken to get increased quantities of steel from the Government of India, and a large proportion of the steel obtained is released for building schemes. No further action is necessary.

(G.O. Ms. No. 999, Development, dated 28th February 1949.)

Recommendation 52.—“ Madras being favourably situated for the manufacture of special alloy and special electric steels, a specific part of allotment for the Province should be set apart for development of this industry and meeting its own demand for manufactured goods.” (Paragraph 118 of the report.)

A fair quota of steel is being released to recognized steel processing industries in Madras. No further action is considered necessary on this recommendation.

(G.O. Ms. No. 999, Development, dated 28th February 1949.)

Recommendations 55 and 74.—“ Wagon facilities should be provided by the Government to the cement manufacturers for securing maximum output and for distribution to building industry.” (Paragraph 121 of the report.)

“ As transport is the primary bottleneck for the building schemes, the Government should build or purchase wagons and earmark them for the building trade including its ancillary manufacturing operations.” (Paragraph 136 of the report.)

The transport position at each cement factory is reviewed, and necessary remedial measures are taken as and when necessary. The Government do not consider any further action necessary on these recommendations.

(G.O. Ms. No. 6020, Development, dated 7th December 1948.)

Recommendation 6.—“ A more extended use of the varieties of country timber other than teak should be popularised for building schemes.”

Recommendation 57.—“ Forest Department should increase the supply of timber by a more thorough and systematic working of the forests, replantation and rotational exploitation and by the erection and operation of lumber mills reducing the timber to sizes.”

The Government accept the above recommendations. The Chief Conservator of Forests is requested to give effect to them subject to the silvicultural needs.

(G.O. Ms. No. 3838, Development, dated 18th July 1949.)

Recommendation 58.—“ The conditions requiring the return of scaffolding materials such as casuarina poles, bamboos, etc., after usage by builders to Government depots should be removed as their value as fuel will have greatly deteriorated by usage and exposure to weather.”

[17th November 1949]

The Government consider that no action is called for on the recommendation as the conditions requiring the return of scaffolding materials have been withdrawn with the decontrol of casuarina.

(G.O. Ms. No. 3938, Development, dated 18th July 1949.)

Recommendation 59.—“ The Government should reduce the cost of timber for building industry as in the case of timber reserved for the Government, railways and municipalities and bring it down to a reasonable level and make it available at a price as near to that allowed for Defence purposes as possible.”

Recommendation 60.—“ Royalty on timber such as teak should be brought down to a more reasonable figure.”

Recommendation 61.—“ Forest Department should be a service organisation for the development of forest wealth, conservation and supply and should not necessarily be required to show visible profits.”

The question of reducing the price of timber supplies for housing schemes was considered by Government and orders were issued in G.O. No. 1393, Development, dated 17th March 1949.

(G.O. Ms. No. 3838, Development, dated 18th July 1949.)

Recommendations 62 and 67.—“ Wagon facilities should be provided for transport of timber required for building schemes.” (Paragraph 126 of the report.)

“ As the flooring and roofing tiles come mostly from the West Coast, facilities for their transport should be afforded for the building schemes.” (Paragraph 130 of the report.)

The General Manager, Madras and Southern Mahratta Railway, has reported that the transport difficulties which have arisen as a result of the conditions created by the war will disappear shortly and that the rail transport required for the movement of tiles and timber will be available without great difficulties in a reasonably short time. The Government do not, therefore, accept these recommendations.

(G.O. Ms. No. 6020, Development, dated 7th December 1948.)

Recommendation 63.—“ As standardisation of doors and windows and their manufacture on a large scale will save materials and labour and enable more correct fittings on account of machine operations, the establishment of more saw mills and wood working machinery should be encouraged.”

The Government accept the recommendation. The Chief Engineer (General) is requested to prescribe the standards for doors and windows in common use for house construction and arrange for their supply.

(G.O. Ms. No. 3838, Development, dated 18th July 1949.)

Recommendation 64.—“ The use of machine for the preparation of bricks on a large scale and on an economic basis should be investigated.” (Paragraph 128 of the report.)

[17th November 1949]

The Chief Engineer, Public Works Department, whose remarks were invited on the recommendation made the following suggestions:—

(a) that instead of Public Works Department restarting the manufacturing of bricks on a large scale with the use of machines or otherwise, it might be preferable to go in for an assisted industry with Government having controlling shares, or

(b) that competitive tenders from bricks manufacturers for manufacturing bricks in the Government brick fields at Aminjikarai may be called for on condition that they supply to Government a specified quantity of I class bricks annually at agreed rates.

The Government accept the recommendation of the Chief Engineer (General) at paragraph 2 (b) above and he is requested to take necessary action.

(G.O. Ms. No. 3033, Public Works, dated 16th August 1949.)

Recommendation 65.—“ Adequate supply of slack coal should be made available and transport facilities should be afforded for the expansion of brick industry.” (Paragraph 129 of the report.)

Additional supplies of coal for brick kilns are being obtained from the Deputy Coal Commissioner, Calcutta. No action is considered necessary on this recommendation.

(G.O. Ms. No. 598, Development, dated 8th February 1949.)

Recommendation 66.—“ The price of bricks should be controlled by bringing the entire output of the kilns against coal supply to account and allotted specifically to consumers.” (Paragraph 129 of the report.)

At present the City House Construction Society has entered into an agreement with the brick-kiln owners for supply of bricks and coal is allotted to these kiln owners on the basis of the recommendation of the House Construction Society. The Government consider that it is enough if this system is continued in the City and extended to areas where chamber kilns have been established in the mufassal. The Director of Controlled Commodities is requested to take necessary action accordingly.

(G.O. Ms. No. 598, Development, dated 8th February 1949.)

Recommendation 69.—“ Transport should be arranged for making the sanitary fittings available in sufficient numbers at the places they are required.”

The General Manager, South Indian Railway, has reported that the comparative requirements for sanitary fittings will be very small and there should be no difficulty in arranging their movement. The Government do not therefore consider that any action is necessary on the above recommendation.

(G.O. Ms. No. 3333, Development, dated 18th July 1949.)

[17th November 1949]

Recommendation 70.—“ Subsidized contracts for sanitaryware and large expansion of the ceramic industry should be arranged to meet the requirements of building schemes.” (Paragraphs 132 and 133 of the report.)

The Joint Director of Industries and Commerce has reported that the manufacture of sanitaryware has been taken up in the Ceramic Factory at Gudur and that these articles can also be manufactured at the Ceramic Service Centres at Pappinasseri, Rajahmundry and Cuddalore, when they are started. The Government do not therefore consider it necessary to subsidize the manufacture of sanitaryware.

(G.O. Ms. No. 999, Development, dated 28th February 1949.)

Recommendation 71.—“ Pre-fabricated panelled houses are ruled out for adoption upon any large scale.”

The recommendation does not call for any action.

(G.O. Ms. No. 3838, Development, dated 18th July 1949.)

Recommendation 72.—“ The pressure on brick trade should be reduced by the adoption of pre-moulded concrete cement hollow blocks and necessary transport of cement should be arranged.” (Paragraph 134 of the report.)

The recommendation is accepted. The Chief Engineer is requested to investigate the suggestion contained in this recommendation further.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

Recommendation 73.—“ Building research should be set up to improve the standard and the methods of building, building materials and building trade and to reduce building costs, both in urban and rural areas.” (Paragraphs 135, 213 and 293 of the report.)

The recommendation is accepted. Proposals for starting a research station for building research as well as irrigation research are under the consideration of Government.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

Recommendation 75.—“ Effective and complete control over the prices, uses, production and distribution of building materials should be exercised to prevent blackmarket.”

Recommendation 78.—“ Bricks should be purchased by the State at fixed prices and distributed on permits to builders. Controls on similar lines should be introduced for the distribution of cement, building fittings and furniture and other building materials.”

The Government accept the view of the Director of Controlled Commodities that the imposition of further controls over any building materials is unnecessary.

(G.O. Ms. No. 3838, Development, dated 18th July 1949.)

[17th November 1949]

Recommendation 76.—"The punishment for blackmarketing should be imprisonment." (Paragraph 138 of the report.)

The question of undertaking legislation against blackmarketing is separately under the consideration of Government.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

Recommendation 79.—"To remove the great paucity of technical men for lower subordinates, supervision and control of labour a large expansion in the grade of overseers and of foremen's class of master-builders should be effected as soon as possible."

Recommendation 80.—"Building trade schools should be started in important centres for training workers."

The Government consider that no action is necessary on the above recommendations as with the increase in the number of admissions to the Engineering College and with the starting of overseers' course the position in regard to the availability of technical personnel will improve.

(G.O. Ms. No. 3838, Development, dated 18th July 1949.)

Recommendation 84.—"Local authorities should enforce the provision for the renewal of permit if the construction is not completed within the time prescribed." (Paragraphs 144 and 146 of the report.)

The Madras Provincial Housing Committee has in its Recommendation 84 observed that "Local authorities should enforce the provision for the renewal of permit if a construction is not completed within the time prescribed". The Committee's point is that the municipal authorities do not generally enforce the provisions of section 204 of the Madras District Municipalities Act and that if the provisions referred to above are enforced systematically, it would expedite the construction of buildings. The commissioners of municipalities are advised to see that the provisions referred to above are enforced strictly in future.

(Memorandum No. 19165-1-F-2, P.H., dated 21st April 1949.)

Recommendation 86.—"New houses constructed by private builders and co-operative housing societies within the next two years should be exempted from the levy of property tax for a period of five years." (Paragraphs 147 and 303 of the report.)

The Government have carefully examined the above recommendation and are unable to accept it for the following reasons:—

(i) Exemption from the levy of property tax for five years will not constitute such a big inducement as to step up construction of new houses;

(ii) the amount of tax payable on a house is negligible when compared with the capital investment on it;

(iii) it will be unfair to deprive local bodies of their legitimate income from new properties;

17th November 1949]

(iv) local bodies in the Province and particularly the Corporation of Madras can ill-afford to lose this revenue in view of their present unsatisfactory financial position.

(G.O. Ms. No. 91, L.A., dated 18th January 1949.)

Recommendation 94.—"A law requiring the registration of practising architects and engineers should be enacted as in the case of medical practitioners." (Paragraph 155 of the report.)

With reference to Recommendation 94 of the Madras Provincial Housing Committee, the Registrar of Co-operative Societies is informed that the question of enacting laws requiring the registration of practising architects and engineers is already under the consideration of the Government of India in the Ministry of Works, Mines and Power. In the circumstances Government consider that no further action is necessary on the recommendation.

(G.O. Ms. No. 290, P.W., dated 27th January 1949.)

Recommendation 99.—"Vertical development may be permitted in special cases to avoid long leads to places of business." (Paragraph 160 of the report.)

The attention of the Director of Town-Planning is invited to his remarks on Recommendation 99 of the Madras Provincial Housing Committee. He is requested to submit definite proposals on the recommendation after the Government pass orders on the reports of the General Building Designs Committee and the Cheap Designs Housing Sub-Committee.

(Memorandum No. 88699-1-F-2, P.H., dated 29th December 1948.)

Recommendation 102.—"Co-operative agriculture of garden lands in the open spaces reserved for parks and gardens should be encouraged especially in rural areas and the ideas 'grow more vegetables' for nutrition, 'grow more fruit' for health and 'grow more flowers' for beauty should be infused into the minds of people." (Paragraph 162 of the report.)

The recommendation is accepted.

(G.O. Ms. No. 999, Development, dated 28th February 1949.)

Recommendation 105.—"Rs. 200 per mensem should be fixed as the upper limit of income for low income groups" (for purposes of State assistance in house building).

The Government generally accept the above recommendation.

(G.O. Ms. No. 3838, Development, dated 18th July 1949.)

Recommendation 106.—"Every public servant or worker should be required to pay rent for the accommodation provided on the scales prescribed."

With reference to the above recommendation the Board of Revenue has remarked that in special cases the inducement of rent-free accommodation is necessary to induce public servants to take up jobs which are otherwise unattractive. The Government accept the view of the Board of Revenue.

(G.O. Ms. No. 3838, Development, dated 18th July 1949.)

[17th November 1949]

Recommendations 109 and 111.—"Co-operative agency is recommended as the best agency to cater to the housing needs of persons of moderate means." (Paragraph 172 of the report.)

"Private companies engaged in building trade with the motive for profit should not be given any financial help from the Government." (Paragraph 172 of the report.)

The Government generally agree with the views underlying these recommendations.

(G.O. Ms. No. 6020, Development, dated 7th December 1948.)

Recommendation 110.—"The facilities extended to co-operative societies in the matter of acquiring land, making material available, etc., should also be extended to corporate bodies which work for no profit." (Paragraph 172 of the report.)

The Government accept the views of the Registrar of Co-operative Societies that facilities such as preferential treatment in the supply of building materials, grant of State loans, etc., need not be extended to corporate bodies other than co-operative societies. As regards acquisition of sites required by private companies for construction of houses under the land acquisition, the question will be considered on the merits of each case if any private company wants such facilities.

(G.O. Ms. No. 6020, Development, dated 7th December 1948.)

Recommendation 112.—"The Government and local bodies as the biggest employers should set an example in the matter of housing their employees especially of low-income groups (Rs. 200 and under) and should undertake immediately housing programmes for the purpose on a 20-year basis."

The Government commend the above recommendation to the district boards and municipalities for adoption.

(G.O. Ms. No. 3838, Development, dated 18th July 1949.)

Recommendation 113.—"Interest-free advances to low-paid Government servants for house construction should be granted at least to the extent of two years' salary repayable in not less than eight years." (Paragraph 173 of the report.)

The Registrar of Co-operative Societies is informed that consideration of the recommendation will be deferred.

(G.O. Ms. No. 1736, Development, dated 31st March 1949.)

Recommendation 120.—"The Madras City Improvement Trust should work out a scheme for the accommodation of the floating population on a remunerative basis." (Paragraph 181 of the report.)

The Government accept the recommendation. The Chairman, City Improvement Trust, is requested to take steps to implement this recommendation.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

[17th November 1949]

Recommendation 121.—"Local authorities coupled with public effort must display sustained interest informing co-operative housing societies for the purpose of providing cheap houses suited to different income groups in each place." (Paragraph 200 of the report.)

Recommendation 122.—"Local bodies must provide facilities to co-operative housing societies for development in the preparation of layout, construction of roads and provision of essential amenities." (Paragraph 200 of the report.)

The recommendation 121 of the Provincial Housing Committee is commended to all municipal councils, major panchayats, and the Corporation of Madras for consideration and necessary action. With reference to recommendation 122 of the Committee, the Corporation of Madras, municipal councils and major panchayats are informed that they may acquire house-sites under the Town-Planning Act consistent with their financial resources and hand them over to co-operative house building societies at cost price and they are requested to permit their officers to give free technical advice to these societies subject to the condition that it does not interfere with their regular duties. The owners of the sites whether they are co-operative societies or others will bear the cost of provision of amenities to these sites in accordance with the provisions of the Acts governing the local bodies.

(G.O. No. 246, L.A., dated 11th February 1949.)

Recommendation 123.—"Whenever the Government, municipalities, improvement trust and similar bodies have at their disposal lands to sell or lease for long terms for construction of houses, they should be given preferably to co-operative housing societies at reasonable rates, without auction." (Paragraph 200 of the report.)

The Fifteenth Conference of Registrars of Co-operative Societies and the Madras Provincial Housing Committee have recommended that, whenever municipal councils have at their disposal lands to sell or lease for long terms for construction of houses, they should give them preferably to co-operative housing societies at favourable rates without auction. Municipal councils have already been permitted to grant house-sites to their low-paid subordinates and inferior and menial servants at concessional rates. Government now permit the municipal councils (1) to grant house-sites belonging to them at concessional rates to poor labourers or co-operative societies formed by such labourers also and not to middle class or higher class people or even to co-operative societies of such people and (2) to sell large blocks of lands belonging to them to co-operative housing societies, dispensing with sale in public auction.

(G.O. No. 1664, L.A., dated 4th September 1948.)

The Registrar of Co-operative Societies is informed that there is already a provision in the Board's Standing Orders for grant of land to co-operative building societies without resorting to public auctions. With regard to the recommendation to grant land to co-operative building societies at cheap or reasonable rates, i.e.,

[17th November 1949]

less than the value obtainable by auction, the Government do not consider it necessary to lay down any hard and fast rule. The deserving cases will however be considered on their merits.

(Memorandum No. 44478-F/48-2, Revenue, dated 7th September 1948.)

Recommendation 124.—“Whenever town-planning schemes are undertaken, some portion of the areas should be reserved for the poorer and the lower middle classes.” (Paragraph 200 of the report.)

The recommendation of the Provincial Housing Committee referred to above is commended to all municipal councils and the Corporation of Madras for adoption whenever the necessity for such reservation is felt or arises.

(G.O. Ms. No. 1905, P.H., dated 25th May 1949.)

Recommendation 125.—“In the case of co-operative house building societies loans to members may be given to the extent of eight times the paid-up share capital and the maximum credit limit may be fixed at Rs. 20,000.” (Paragraph 201 of the report.)

The Registrar considers that the existing credit limit of five times the paid-up share capital under which a member can get loans up to Rs. 15,000 from a co-operative house building society, may continue for the present. The Government accept the Registrar's views.

(G.O. Ms. No. 8020, Development, dated 7th December 1948.)

Recommendation 126.—“The Government should grant loans to co-operative societies and even to corporate house building schemes which have no profit motive at rates not more than their borrowing rate plus one-fourth per cent to cover charges.” (Paragraph 201 of the report.)

Orders have been issued in G.O. No. 1996, Development, dated 21st April 1948, fixing the rate of interest on State loans to co-operative house building societies at $3\frac{1}{2}$ per cent. The Government do not consider it necessary to reduce this rate further for the present. As regards the proposal to grant loans to corporate house building schemes, the Government consider that there is no need to consider the question now. If and when there is a demand for such loans, applications will be considered on merits.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

Recommendation 127.—“The State loans to public utility bodies like co-operative societies should be spread over 60 years as in the case of the United States Federal Housing Authority Loans.” (Paragraph 201 of the report.)

The Registrar of Co-operative Societies is of the view that it is not necessary to spread recovery of State loans to co-operative house building societies over a period of 60 years as recommended by the Committee. The Government agree with the Registrar and consider that the present limit of 20 years is quite sufficient.

(G.O. Ms. No. 4818, Development, dated 24th September 1948.)

17th November 1949]

Recommendations 128, 129, 130, 132, 133 and 134.—“Before launching an elaborate rural housing programme a comprehensive survey of the rural housing conditions should be undertaken.” (Paragraph 212 of the report.)

“For improving the housing conditions in rural areas the measures suggested for low income groups and for improvement of slums in the City and urban areas must be adopted in rural areas also. Minimum housing standards must be laid down and they should be enforced. Type-designs for new houses should be made available to the villagers and a suitable machinery should be set up for the purpose.” (Paragraph 213 of the report.)

“Rural housing should be looked upon not only from the point of view of providing houses to the rural populations but also of providing non-seasonal employment.” (Paragraph 213 of the report.)

“The feasibility of forming a co-operative housing society for a group of villages providing dwellings for the villagers on hire purchase system may be taken up for investigation by the Co-operative department for adoption.” (Paragraph 215 of the report.)

“Amenities such as hard surfaced roads, protected water-supply, drainage and better all round sanitation should be tackled first in villages, before elaborate plans of rural housing are undertaken. A twenty-year scheme should be undertaken for the provision of essential amenities in the villages as early as possible.” (Paragraphs 217 and 218 of the report.)

“Basements with impervious floor may be provided in villages, the villager being allowed to put up his own dwelling, so that a beginning may be made in ameliorating the condition of the villager. A twenty-year scheme for the whole Province should be launched for the purpose.” (Paragraph 219 of the report.)

In its Recommendations 132 to 134, the Provincial Housing Committee has made certain suggestions regarding rural housing. The Registrar of Co-operative Societies has submitted an alternative scheme of rural housing. The Government have examined both the schemes and consider that neither of them can be adopted as both the schemes involve huge additional expenditure to Government.

It is considered that with total prohibition people should have more money in their hands which they can utilize in part at least for construction of houses if a scheme is devised by which they are enabled to construct cheap houses at a cost of Rs. 500 to Rs. 1,000. The Registrar of Co-operative Societies is accordingly requested to draw up a co-operative plan broadly based on the following lines and submit it to Government within three months. A small advisory committee may be constituted to assist the Registrar in formulating such a plan :—

(1) It is no use putting up schemes for a few hundred houses and asking Government for immense sums of money as a loan.

[17th November 1949]

(2) It is necessary that the problem is tackled in such a way thousands of houses spring up everywhere in the country side as quickly as possible and with the least possible outlay.

(3) The principle of "self-help is the best help" should be followed. It is a matter for deep regret, but it is none the less a fact that in India people are prone to blame Government for all their troubles, but when Government are anxious to do their best the people evince little desire to contribute money and even less anxiety to contribute any sustained physical effort to bring amelioration schemes into fruition.

(4) It is necessary to induce people to build their own houses and not go to expensive contractors who swallow such a large bit of the cost. Public Works Department estimates are no good. They are too expensive by far for rural housing.

(5) The houses can be on planned lines but should be simple in structures.

(6) Mud and thatch properly employed can be used. Those who can afford it can of course use bricks, tiles and cement. Iron and steel should be eliminated as far as possible.

(7) Government help can extend to acquire and place land at the disposal of the people. Government may also provide such essential requirements difficult to secure as a door and one or two windows with fittings and the main beams of the house.

(8) The cost of land and fittings mentioned in (7) above will be treated as a loan which will be repaid in say 5 to 15 years at cheap interest.

(9) Government should also make such materials as palmyra leaves and rafters, suitable mud, thatching grass, etc., easily available to agriculturists at cost price.

(10) The fittings mentioned in (7) above should be manufactured in mass by Government or on behalf of Government on standardized types and supplied as cheaply as possible. For this purpose, District Co-operative Industrial Units may be considered.

(11) As much technical help as possible should be given by way of advice by the Public Works Engineering section as well as by minor irrigation overseers and supervisors.

(12) Wherever possible, modern methods of construction of cheap houses, such as using air compressed mud (which is said to be stronger than brick and mortar) should be utilized. It is understood that Simpson's trust is contemplating such use in its proposed colony. Simpsons should be contacted for advice in this direction as in also other ways of modernizing village houses.

(13) The people must undertake to build their houses themselves with the above help. No one who refuses to undertake the physical labour and trouble involved will get any help at all.

(G.O. Ms. No. 5707, Development, dated 18th November 1948.)

[17th November 1949]

Recommendation 139.—"The Ministry for Housing should enlist the services of voluntary organizations in disseminating knowledge on the need and value of good housing." (Paragraph 255 of the report.)

The Director of Town-Planning is requested to take necessary steps for giving effect to Recommendation 139 of the Provincial Housing Committee to enlist the services of voluntary organization in disseminating knowledge on the need and value of good housing.

(G.O. Ms. No. 4400, P.H., dated 29th December 1948.)

Recommendation 141.—"Section 42 of the City Improvement Trust Act of 1945 should be suitably modified if found inadequate for enabling the Trust for constructing hostels for students and the public to be run on remunerative basis." (Paragraph 265 of the report.)

The attention of the Chairman, City Improvement Trust, is invited to Recommendation 141 of the Madras Provincial Housing Committee and his remarks thereon. The Chairman, City Improvement Trust, is informed that amendment of section 42 of the Trust Act is not necessary for enabling the Trust Board to construct hostels for students. The recommendations referred to above is commended to the Trust Board for implementation.

(Memorandum No. 19/64-1-F-2, P.H., dated 19th April 1960.)

Recommendation 142.—"Industry should be dispersed in the Province instead of being allowed to concentrate at a few places." (Paragraph 279 of the report.)

This suggestion is being followed at present.

(G.O. Ms. No. 999, Development, dated 28th February 1949.)

APPENDIX III.

[Vide answer to unstarred question No. 2 asked by Sri B. Bhima Rao at the meeting of the Legislative Council held on 17th November 1949 on page 309 supra.]

STATEMENT.

Serial number and name of estate.						Peshkash payable.	
						RS.	A. P.
1	Vizianagaram	..	..	..	..	4,66,464	2 10
2	Bobbili	..	..	..	..	83,442	7 5
3	Pithapuram	..	..	..	..	2,31,810	2 4
4	Kapileswarapuram	..	..	..	..	5,485	6 1
5	Kesanakurru	..	..	..	..	11,311	4 5
6	Ramnad	..	..	..	..	2,87,053	2 2
7	Kottagudi	..	..	..	..	415	8 2
8	Orattur Kargudi	..	..	..	..	505	3 0

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29

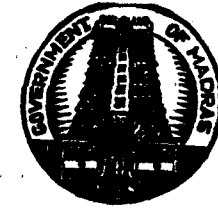
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3735

MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

FRIDAY, 18TH NOVEMBER 1949

VOLUME XXI—No. 7

PRINTED BY THE SUPERINTENDENT
GOVERNMENT PRESS
MADRAS
1949

PRICE, 4 annas

[17th November 1949]

Serial number and name of estate.						Peshkash payable.		
						RS.	A.	P.
9	Sringeri Mutt village (subdivision of Ramnad zamindari).					1,184	5	3
10	Sivaganga					2,53,057	5	2
11	Devakotta subdivision					4,311	3	7
12	Konthagai					3,027	2	8
13	Okkur Peravali					1,202	9	11
14	Gonvindamangalam					1,184	6	9
15	Thiruthervalai subdivision					1,403	1	0
16	South Vallur Part I (consisting of 11 villages in Bandar taluk and 5 villages in Vijayavada taluk in the Krishna district and 9 villages in the Eluru taluk in the West Godavari district).					5,223	11	8
17	Devarakottai					78,634	2	1
18	Krishnapuram					1,402	3	7
19	Balliparru					424	0	0
20	Chittigudur 1/3					524	0	0
21	Devarapalli					460	15	1
22	Gudu Part I }					679	11	6
23	Gudu Part I-A }							
24	Krithivenu and Pedagollapuram					1,667	3	4
25	Komalapudi					557	10	6
26	Munjuluru					249	2	9
27	Periagudum lanka					319	0	0
28	Rayavaram					908	9	3
29	Sultannagaram Gollapalem					181	2	5
30	Munagala					4,510	10	7
31	Lingagiri					486	8	0
32	Chintalapativanthu (Muktyala)					17,511	6	1
33	Venkatagiri					3,23,792	2	8

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 18th November 1949.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, the Deputy President (THE HON. SRI K. VENKATASWAMI NAYUDU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Treatment of Sri M. Muthuswami, a member of the Coimbatore Municipal Council, who died in the hospital.

* 32 Q.—JANAB ABDUL LATIF FAROOKHI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have received a copy of the resolution passed by the Coimbatore Municipal Council demanding enquiry regarding the indifference and apathy shown by the doctors on duty in the hospital in connexion with the treatment of Sri M. Muthuswami, a member of the said Council, who died in the hospital after being suddenly taken ill at the meeting of the Council on 16th August 1949; and

(b) if so, what action the Government have taken on that resolution?

THE HON. DR. T. S. S. RAJAN :—“(a) Yes.

“(b) A preliminary enquiry was made by the District Medical Officer and although it indicated that the allegations were not correct, the Surgeon-General has been asked to have a regular enquiry held and to report to Government.”

JANAB ABDUL LATIF FAROOKHI :—“May I know, Sir, when this enquiry is to be held?”

THE HON. DR. T. S. S. RAJAN :—“It is to be held by the Surgeon-General.”

Issue of a Press Note drawing attention to rule 26 of the Government Servants' Conduct Rules.

* 31 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that the Government have issued a Press Note drawing attention to rule 26 of the Government Servants' Conduct Rules;

(b) if so, the reasons which necessitated the issue of the Press Note;

(c) whether the rule referred to in clause (a) is intended only in regard to “Promotions of Government servants” as the heading indicates or whether it is applicable to other cases as well;

CONTENTS

	PAGE
I Questions and Answers	457-471
II Motion under rule 15 of the Madras Council Rules	472
III The Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949	472-498
<i>Government Motion.</i>	
IV Draft rules under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948	498-519, 526-527

[18th November 1949]

(d) what remedies exist now to Government servants to bring to the notice of Government in regard to promotions, punishments, etc.;

(e) whether it is open to Government servants to send up memorials to His Excellency the Governor against the orders of Government; and

(f) whether the Retrenchment and Reorganization Committee made any recommendation in this regard and if so, what the decision of the Government is on the recommendation?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier):—“(a) The answer is in the affirmative.

“(b) It was observed that in spite of the instructions previously issued in the matter, some Government servants were seeking the aid of influential members of the public and Members of the Legislature for the furtherance of their interests. The Press Note was issued with a view to stopping this growing evil.

“(c) The rule applies to all cases in which a Government servant brings or attempts to bring any political or other outside influence to bear upon any superior authority for the furtherance of his interests.

“(d) They can make their representation to Government through the proper channel.

“(e) Yes.

“(f) The Retrenchment and Reorganization Committee recommended that in the light of the constitutional changes, the provisions relating to memorials regarding disciplinary matters either to Government or the Governor should be abolished. The Government did not, however, accept the recommendation.”

SRI R. SURYANARAYANA RAO:—“The Retrenchment and Reorganization Committee made the recommendation as under the new Constitution, His Excellency the Governor will not have anything to do with memorials and so, should it not be considered by the Cabinet?”

THE HON. DR. T. S. S. RAJAN:—“The Retrenchment and Reorganization Committee's recommendation has not been accepted.”

SRI R. SURYANARAYANA RAO:—“May I know, Sir, who the authority is who will deal with memorials?”

THE HON. DR. T. S. S. RAJAN:—“The Premier is the authority who will deal with it.”

SRI R. SURYANARAYANA RAO:—“In respect of orders passed by the Hon. Premier, which is the authority which will deal with memorials, Sir?”

THE HON. DR. T. S. S. RAJAN:—“It is the Premier who will have to re-consider the whole thing.”

[18th November 1949]

SRI P. R. K. SARMA:—“May I know, Sir, whether these amendments to Government Servants' Conduct Rules apply to industrial workers of the Government who are members of registered and recognized trade unions?”

THE HON. DR. T. S. S. RAJAN:—“They are not members of the Service in the strict sense of the term; they belong to the labour organization.”

SRI P. R. K. SARMA:—“May I know, Sir, whether the amendments to the Government Servants' Conduct Rules to the effect that any attempt on the part of the Government employees to refuse to receive wages is an offence, has been made applicable recently to industrial workers, for example, the workers of the Public Works Workshops?”

THE HON. DR. T. S. S. RAJAN:—“No such representation has been received by the Government.”

SRI R. SURYANARAYANA RAO:—“In fairness to the Hon. the Premier and the parties concerned, is it not proper, Sir, that the recommendations of the Retrenchment and Reorganization Committee which suggested that in such cases, the Cabinet as a whole should consider the appeals, especially in the interests of the Government servants involved, should be re-considered by the Government?”

THE HON. DR. T. S. S. RAJAN:—“The recommendations of the Committee are certainly beyond their purview. In these matters, it is the Premier who will have to deal with it and it need not necessarily go before the Cabinet.”

SRI R. SURYANARAYANA RAO:—“Under the new Constitution, will the memorials go to the Governor or as under the present set-up, is it the Hon. Premier that is the final authority?”

THE HON. DR. T. S. S. RAJAN:—“A separate question may be put; but I may tell the House that, to the extent that I know, this question has not yet come before the Government.”

The Gandikottah Project.

* 33 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the investigation of Gandikottah Project has been completed;

(b) whether the question of taking up this project without reference to the proposed Krishna-Pennar Project has been considered by Government;

(c) what the probable estimated cost, the ayacuts served, etc., of the Gandikottah and the Krishna-Pennar projects are; and

(d) whether the question of remodelling the Gandikottah Project to be linked up with and to form part of the Krishna-Pennar Project has been further examined and if so, what the tentative, if not final, results are?

[18th November 1949]

THE HON. SRI M. BHAKTAVATSALAM :—“(a) The reservoir has been investigated and the field investigation is almost complete.

“(b) Yes. The present idea is to consider the scheme as an independent one in the first instance.

“(c) The probable cost of the Gandikottah Project is estimated at Rs. 5 crores based on the present day rates. As an independent scheme it will have an ayacut of less than one lakh of acres of which 10,000 acres will be wet and the rest irrigated dry. If linked with Krishna-Pennar Project the ayacut will be 1.5 lakhs of acres of wet. The probable cost of the Krishna-Pennar Project will be about the order of Rs. 100 crores and its ayacut will be about 3 million acres including 1.5 lakhs of acres under Gandikottah reservoir.

“(d) Yes. In view of the fact that the link up of the Gandikottah Project with the Krishna-Pennar Project will result in considerable advantages to the area to be served by the former, it is considered that the link up should be made, but that the Gandikottah Reservoir with a slight change of site to suit the link up later on, should be considered soon after the plans and estimates for it have been finalized.”

SRI R. SURYANARAYANA RAO :—“May I take it, Sir, in view of the fact that the Krishna-Pennar Project will cost Rs. 100 crores though it serves a bigger ayacut and since for the Gandikottah Project the estimates are all ready, the Government will have no hesitation in taking it up?”

THE HON. SRI M. BHAKTAVATSALAM :—“I have already answered the question in the affirmative, Sir.”

Expenditure on contingencies.

* 34 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state—

(a) whether an officer was placed on special duty to examine expenditure on contingencies;

(b) what the recommendations of the officer are;

(c) whether effect has been given to any or all of his recommendations and the consequent savings effected on that account;

(d) whether the officer went into the question of work-charged establishments and menials paid from contingencies; and

(e) what the recommendations of the officer are in this regard and what orders, if any, have been passed by the Government on the recommendations relating to these?

THE HON. SRI B. GOPALA REDDI :—“(a) Yes.

“(b) The recommendations are too numerous to be catalogued. The report of the Special Officer (which is not printed) consists of two parts—Part I contains general suggestions for

[18th November 1949]

economy applicable to all Government offices and Part II contains suggestions applicable to particular departments and offices.

“(c) The Government have examined the suggestions applicable to all Government offices and have issued necessary instructions to Heads of Departments in G.O. No. 121, Finance, dated 29th April 1949, a copy of which has been placed on the table of the House. The suggestions relating to particular departments and offices are being examined separately in the Departments of the Secretariat concerned and suitable instructions are being issued. It is not possible to estimate the savings actually effected on account of the orders already issued.

“(d) & (e) The Special Officer did not go into the question of work-charged establishments and menials paid from contingencies. He, however, suggested that in certain cases menials might be employed only on a part-time basis. The orders passed by the Government in the matter are as follows :—

“Heads of Departments should examine the case of all menials paid from contingencies who are employed in offices under their control on a full-time basis and consider whether they may be employed part-time, so that the payment of dearness allowance to them may be avoided, wherever possible.

“Where a full-time punkah-puller or watchman is employed in a small office, he may be required to do sweeping work also without payment of extra remuneration. A whole-time watchman in addition to a whole-time sweeper for small offices should be avoided. Menials paid from contingencies should not be appointed in order to increase the strength of peons in an office.

“Full-time gardeners seem to be employed now in many offices. The Government consider that full-time gardeners should be employed only where the compound of the building in which the office is located is large and the garden has to be maintained properly (e.g., in cases where vegetables are grown in pursuance of the Grow More Food Campaign). In other cases, arrangements should be made to look after the garden with the help of the sweepers, watchmen, etc., paying small extra remuneration where necessary.

“Where a number of small offices are located close to one another, one sweeper may be employed for all the offices put together, but where small offices are scattered and a common full-time sweeper cannot be employed, only part-time arrangements should be made. A full-time sweeper or waterman for a single office should be confined to very big offices such as the Secretariat, High Court, Board of Revenue, Inspector-General of Police, Surgeon-General, Director of Public Instruction, etc.

[18th November 1949]

Heads of Departments concerned may, if they consider it *absolutely necessary*, employ full-time menials for any of the above purposes in their own offices."

MRS. MONA HENSMAN :—" May I know, Sir, whether the work of a sweeper and a watchman is not diametrically opposed to each other, the one employed during day light and the other working through the night? "

THE HON. SRI B. GOPALA REDDI :—" It is true that one works during day time and the other at night. In the case of big offices, they can be employed separately but in small offices there need not be two separate persons to do the so-called diametrically opposed work."

SRI P. R. K. SARMA :—" What is the amount of work that the part-time workers do; how many hours does it consist of? "

THE HON. SRI B. GOPALA REDDI :—" It may be from one to five hours."

SRI P. R. K. SARMA :—" May I know, Sir, what the recommendations are in regard to work-charged establishment? "

THE HON. SRI B. GOPALA REDDI :—" We gave general instructions to see that where full-time servants are employed, whether they could not be employed on a part-time footing, if there is not enough work for full-time servants."

SRI P. R. K. SARMA :—" May I ask, Sir, if the work-charged establishments are full-time or part-time servants? "

THE HON. SRI B. GOPALA REDDI :—" It all depends upon the nature of work they are doing."

SRI P. R. K. SARMA :—" May I enquire whether the Government are going to implement the recommendations of the Cabinet Sub-Committee on salaries regarding the confirmation of work-charged establishments? "

THE HON. SRI B. GOPALA REDDI :—" It was considered several times by the Cabinet also and in certain cases, they have accepted the recommendations and we have given effect to them; perhaps other cases are being examined still."

SRI R. SURYANARAYANA RAO :—" In view of the fact that a large number of posts are under work-charged establishments and also menials are paid out of contingencies, will the Government undertake an enquiry into the need for these work-charged establishments and compare the rates of pay given to them so that their terms of service and service conditions may approximate to those of other servants of Government? "

THE HON. SRI B. GOPALA REDDI :—" The need for economy is there and a special officer was appointed to go into this question of economising expenditure on contingencies. If you undertake anything like an enquiry on the suggestion

18th November 1949]

of the hon. Member, the expenditure will be increased and the purpose of appointing the special officer will not be served."

SRI R. SURYANARAYANA RAO :—" May I submit that it is just possible, Sir, that expenditure may not increase at all but on the other hand, there will be a contented staff? As the special officer was not asked to enquire into this aspect of the matter, will the Government consider it now so that there may be a contented staff without extra cost? "

THE HON. SRI B. GOPALA REDDI :—" I do not think that without additional expenditure, you can create greater contentment among the part-time and full-time servants of the Government. I think necessarily, it means increased expenditure. Otherwise, I suppose, we will not be able to give any contentment to those people."

SRI P. R. K. SARMA :—" In regard to staff paid out of contingencies who have put in long and meritorious service, may I ask, Sir, whether they will be compensated in case they are retrenched on account of the present proposals? "

THE HON. SRI B. GOPALA REDDI :—" The matter may be considered separately."

Re-training of L.T. Teachers in Basic Education.

* 35 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Government have decided that all L.T. teachers should be re-trained in Basic Education;

(b) if the answer to (a) is in the affirmative, what the purpose of re-training is and whether it is proposed to be confined to L.T. teachers employed in training schools only;

(c) what the period of re-training and the arrangements made for the same are;

(d) what arrangements, if any, will be made for normal work during the absence of teachers for re-training;

(e) whether this re-training is insisted upon in respect of all training schools—Government and aided; and

(f) whether any syllabus for re-training has been framed and if so, what the syllabus is?

THE HON. SRI K. MADHAVA MENON :—" (a) No. It is proposed to re-train annually a limited number of L.T. teachers in Government service and in training schools under private management.

" (b) Re-training in Basic Education is given with a view to provide the personnel necessary for manning the Government Basic Training Schools and for the inspection of Basic schools. Re-training will not be confined to L.T. teachers

[18th November 1949]

employed in training schools. Deputy Inspectors and teachers employed in other Government institutions are also selected for re-training. With a view to enable private managements to convert their schools into basic training schools, L.T. teachers for training schools under private managements are also selected for re-training in Basic Education.

"(c) The period of re-training is five months. For that, courses have been arranged in the Basic Training schools at Perianaickenpalayam and Pentapadu. A few Government Officers are deputed to Sevagram also.

"(d) During the absence of teachers for re-training, the normal work will be carried on by the substitutes appointed in their places.

"(e) For the present, the selection of candidates for re-training in Basic Education is restricted to those who are willing to undergo the course.

"(f) Yes. A copy of the syllabus is placed on the table of the House."

15. SRI R. SURYANARAYANA RAO :— Sir, have the Government examined, whether, if Basic Education is to be a success, the craft process they have instituted for re-training these L.Ts. and other teachers, should not be confined to one craft, but there should be as many crafts as possible, for it is mentioned in item II of the syllabus that training is to be given only in cleaning, spinning, carding and spinning and spinning?"

THE HON. SRI K. MADHAVA MENON :— Sir, for the time being we have taken all the aspects of spinning cotton crafts and a little bit of engineering also."

DR. V. K. JOHN :— "Sir, have Government's attention been drawn to the view expressed by Dr. C. R. Reddi on Basic Education and the sub-leader of the *Madras Mail* in yesterday's issue of that paper?"

THE HON. SRI K. MADHAVA MENON :— "Apart from the view of Dr. C. R. Reddi reported in the *Madras Mail* of yesterday's date, I had the privilege of discussing this with him, and with great respect to him, I differ from him in his view on this matter."

SRI R. SURYANARAYANA RAO :— "May I inquire, Sir, whether Government consulted other educationists regarding the objective of Basic Education and whether the Government are convinced that the objective of Basic Education as envisaged by the Central Government is in consonance with that of this Government?"

* Printed as Appendix II on pages 524-526 infra.

[18th November 1949]

THE HON. SRI K. MADHAVA MENON :— "There is a Central Advisory Board of Education which contains almost all the eminent educationists in India and they have indicated their view in the matter."

SRI R. SURYANARAYANA RAO :— "Is not Dr. C. R. Reddi a member of that Central Advisory Board of Education; and is not the view expressed by that Board in their report different from that of this Government?"

THE HON. SRI K. MADHAVA MENON :— "No, Sir. I am not sure whether Dr. C. R. Reddi is a member of that Board. Whatever it may be, this Government do not agree with him on this question."

Judgment on the Habeas Corpus application filed by Srimathi Manikonda Suryavathi.

* 36 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Premier be pleased to state whether the Government have perused the judgment of the High Court in the *Habeas Corpus* application filed by Srimathi Manikonda Suryavathi and what action has been taken to rectify the defects in enquiry, disposal of representations, etc., to which pointed attention has been drawn, especially on the inordinate delay on the part of the District Magistrate in sending replies to references?

THE HON. SRI K. MADHAVA MENON (on behalf of Hon. the Premier) :— "The Government have perused the judgment of the High Court in the *Habeas Corpus* application filed by Srimathi Manikonda Suryavathi. Suitable instructions have been issued by Government to the authorities concerned regarding the avoiding of delays, etc., in respect of cases relating to persons detained under the Madras Maintenance of Public Order Act, 1947."

Adequacy of the staff of nurses, etc., in the City hospitals.

* 37 Q.—MRS. M. N. CLUBWALA : Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the hospitals in the City have adequate staff of nurses, male nurses, thoties and other staff; and

(b) whether the Government are aware of the shortage of accommodation and consequent overcrowding in all the hospitals in the City and, if so, what steps the Government are taking to meet the same?

THE HON. DR. T. S. S. RAJAN :— "(a) The strength of the nursing staff is adequate. The staff of compounders, nursing orderlies, cooks and thoties are sanctioned according to standard scales fixed with reference to the bed strength and whenever there is any increase in the bed strength, the Surgeon-General applies for sanction for the required additional staff.

[18th November 1949]

have now four engineering colleges; and it is not possible to add anything to it."

DR. V. K. JOHN :—" Have Government envisaged a time at which admission for all applicants can be given in colleges? "

THE HON. SRI M. BHAKTAVATSALAM :—" Unless we add to the colleges we now have, it is not possible. We do not know whether we would be able to add to the existing colleges, as we have yet to see the three newly started colleges fully equipped."

DR. V. K. JOHN :—" Have Government any scheme under contemplation to add colleges so that all applicants may be given admission? "

THE HON. SRI M. BHAKTAVATSALAM :—" There is no scheme at present."

DR. V. K. JOHN :—" Will Government consider the question of adding to the number of colleges to meet the growing need? "

THE HON. SRI M. BHAKTAVATSALAM :—" As I have said, for the three colleges we have recently started we have to equip them with buildings and other things. Till that is done it is not possible to add to the number of colleges."

Revision of scales of pay of peons, etc.

* 39 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state, with reference to G.O. No. 718, Finance, dated 9th July 1949, relating to revision of scales of pay of peons, etc., under the Madras Inferior Service, whether the Government have under consideration the question of revising the scales of pay of peons, etc., under the Madras Inferior Service who have already reached the maximum of Rs. 25?

THE HON. SRI B. GOPALA REDDI :—" No."

SRI R. SURYANARAYANA RAO :—" Sir, have Government recognized the need to increase the scales of pay of peons who have already reached the maximum salary of Rs. 25 and still in service. May I know why their case should not be considered favourably."

THE HON. SRI B. GOPALA REDDI :—" For the obvious reason of lack of finance."

SRI P. R. K. SARMA :—" May I know why the same consideration, on which the minimum salary of other Government employees was raised, should not be applied to raise the minimum salary of peons? "

THE HON. SRI B. GOPALA REDDI :—" I have raised their minimum salary to Rs. 18."

JANAB K. T. M. AHAMED IBRAHIM :—" Do Government expect the peons on a salary of Rs. 18 a month to live? "

THE HON. SRI B. GOPALA REDDI :—" Over and above that they are getting a dearness allowance of Rs. 18 or Rs. 19."

[18th November 1949]

JANAB K. T. M. AHAMED IBRAHIM :—" Do Government think that salary plus dearness allowance will be sufficient for any man to maintain his family? "

THE HON. SRI B. GOPALA REDDI :—" Peons are maintaining their families all right." (Laughter.)

JANAB K. T. M. AHAMED IBRAHIM :—" How? "

THE HON. SRI B. GOPALA REDDI :—" I do not know; I think it is quite sufficient; they are maintaining their family."

JANAB K. T. M. AHAMED IBRAHIM :—" Does not the Hon. Minister think that it is due to this inadequate salary there is a lot of tipping and bribing in the case of peons? "

THE HON. SRI B. GOPALA REDDI :—" I do not think all the seventeen thousand or eighteen thousand peons are being tipped by hon. Members or their friends."

JANAB K. T. M. AHAMED IBRAHIM :—" Have they got any ostensible means of livelihood, considering the salary and the dearness allowance they are paid and the high cost of living? "

THE HON. SRI B. GOPALA REDDI :—" I have not conducted an economic survey of the properties of the peons! "

JANAB K. T. M. AHAMED IBRAHIM :—" May I inquire whether from a common sense point of view there is not a necessity, without conducting an inquiry into their economy, to increase their salary, as it is only small now? "

THE HON. SRI B. GOPALA REDDI :—" Previously, the scale of pay was Rs. 12 to Rs. 16. Now it has been enhanced to Rs. 18 to Rs. 25 plus a dearness allowance of Rs. 17 or Rs. 18. So from Rs. 12, their salary has gone up to Rs. 36 or Rs. 37 as basic salary."

SRI P. R. K. SARMA :—" Is the Hon. Minister aware that the cost of living has gone up three times since the commencement of the war? "

THE HON. SRI B. GOPALA REDDI :—" The salary also has gone up three times, Rs. 12 to Rs. 36."

SRI P. R. K. SARMA :—" May I inquire, Sir, whether the Rs. 12 paid before the war was then sufficient for them to keep their body and soul together? "

THE HON. SRI B. GOPALA REDDI :—" For a very long time, for peons, that scale of pay was in force."

JANAB ABDUL LATIF FAROOKHI :—" If the Hon. Minister thinks a small salary of Rs. 25 a month is sufficient for peons to maintain their family, will he consider the advisability of revising the salaries of high-paid officials including Ministers? "

THE HON. SRI B. GOPALA REDDI :—" The salary of Ministers including that of hon. Members of the Legislature cannot be touched so easily."

[18th November 1949]

"(b) Yes. The question of increasing the bed strength of the Government General Hospital is under consideration, but the problem of accommodation in present financial condition is difficult. To prevent overcrowding in the city state hospitals, the Government are considering a suggestion that patients who come from the mufassal may be asked to produce letters from some medical men mentioning what treatment had been given to them and why it is necessary to admit them in the city state hospitals. The Government are also considering, the question of giving financial help to the Indian Red Cross Society for starting and maintaining a hospital for incurables on the foreshore of the Cholavaram lake to which may be transferred chronic and incurable cases which come to the city state hospitals for treatment."

MRS. MONA HENSMAN :—" Is the Hon. Minister aware that there is overcrowding in the Mental Hospital; that there are two thousand patients there, while there is accommodation only for 750 patients? Is this not nothing short of criminal—if I may make bold to use such strong language—to allow overcrowding in that hospital, as it stands on a different footing from other ordinary hospitals, where patients are there due to ill-health, and so, they more or less lie in bed or on the floor, and this overcrowding may be allowed there a little. But in the case of the Mental Hospital, Sir, can it be allowed, because the patients there, cannot adjust themselves to society, and therefore will the Hon. Minister see? . . . "

THE DEPUTY PRESIDENT :—" The hon. Member should put a supplementary question and not make a speech." (Laughter.)

MRS. MONA HENSMAN :—" Yes, Sir. Is the Hon. Minister aware that there is overcrowding in the Mental Hospital and it is nothing short of criminal to allow it? "

THE HON. DR. T. S. S. RAJAN :—" Government are aware of the fact mentioned by the hon. Member, and steps are being taken to prevent overcrowding; and all that can be done is being done."

DR. V. K. JOHN :—" Are male nurses essential for service? "

THE HON. DR. T. S. S. RAJAN :—" I do not know to which class of service the hon. Member is referring."

DR. V. K. JOHN :—" I am talking of male nurses." No reply.

SRI R. SURYANARAYANA RAO :—" Do Government contemplate to hand over the Temple Garden to the Royapettah Hospital when the Tuberculosis Hospital now located there is removed to Tambaram? "

THE HON. DR. T. S. S. RAJAN :—" The question is under consideration; but no decision has been taken yet."

MRS. M. N. CLUBWALA :—" Is the Hon. Minister aware that orders were passed to convert and increase certain beds in the

[18th November 1949]

Royapuram Hospital, but were subsequently withdrawn due to want of finance? "

THE HON. DR. T. S. S. RAJAN :—" It may be so. The fact is that we are lack of funds."

MRS. M. N. CLUBWALA :—" Is the Hon. Minister aware that the nurses quarters in the Royapuram Hospital are very crowded and the nurses have to sleep in unhygienic conditions, which is detrimental to their health and work? "

THE HON. DR. T. S. S. RAJAN :—" Arrangements are well on the way to provide them with accommodation, and if even then some could not find accommodation, they may be accommodated in the new nurses quarters that is nearing completion."

Grievances of students who have been denied admission to the Engineering Colleges.

* 38 Q.—SRI L. SUBBARAMA REDDI (on behalf of Sri B. Bhima Rao) : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any representations and perused communications in the Press regarding the grievances of students who have been denied admission to the Engineering Colleges in the Madras Province on the ground of their caste; and

(b) whether the present Government have decided to allow any percentage of admissions to be made on the ground of merit and, if so, how much?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) The reply is in the negative.

" (b) No reservation on grounds of merit only has been ordered except to the extent that seats for which candidates are not available according to the prescribed communal, linguistic and district basis, will be filled up on the basis of merit only provided district and linguistic quotas are not affected."

DR. V. K. JOHN :—" Will Government consider the question of abolishing communal rotation for admission to colleges and other educational institutions? "

* THE HON. SRI M. BHAKTAVATSALAM :—" We allot seats according to community and according to district. The idea behind this rule is that this valuable education should be distributed among all the communities and among all the areas."

DR. V. K. JOHN :—" Have Government taken steps to provide accommodation for all applicants for admission, and how far have they succeeded? "

THE HON. SRI M. BHAKTAVATSALAM :—" It is not practicable to provide accommodation for all the applicants. We

[18th November 1949]

have now four engineering colleges; and it is not possible to add anything to it."

DR. V. K. JOHN :—" Have Government envisaged a time at which admission for all applicants can be given in colleges? "

THE HON. SRI M. BHAKTAVATSALAM :—" Unless we add to the colleges we now have, it is not possible. We do not know whether we would be able to add to the existing colleges, as we have yet to see the three newly started colleges fully equipped."

DR. V. K. JOHN :—" Have Government any scheme under contemplation to add colleges so that all applicants may be given admission? "

THE HON. SRI M. BHAKTAVATSALAM :—" There is no scheme at present."

DR. V. K. JOHN :—" Will Government consider the question of adding to the number of colleges to meet the growing need? "

THE HON. SRI M. BHAKTAVATSALAM :—" As I have said, for the three colleges we have recently started we have to equip them with buildings and other things. Till that is done it is not possible to add to the number of colleges."

Revision of scales of pay of peons, etc.

* 39 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state, with reference to G.O. No. 718, Finance, dated 9th July 1949, relating to revision of scales of pay of peons, etc., under the Madras Inferior Service, whether the Government have under consideration the question of revising the scales of pay of peons, etc., under the Madras Inferior Service who have already reached the maximum of Rs. 25?

THE HON. SRI B. GOPALA REDDI :—" No."

SRI R. SURYANARAYANA RAO :—" Sir, have Government recognized the need to increase the scales of pay of peons who have already reached the maximum salary of Rs. 25 and still in service. May I know why their case should not be considered favourably? "

THE HON. SRI B. GOPALA REDDI :—" For the obvious reason of lack of finance."

SRI P. R. K. SARMA :—" May I know why the same consideration, on which the minimum salary of other Government employees was raised, should not be applied to raise the minimum salary of peons? "

THE HON. SRI B. GOPALA REDDI :—" I have raised their minimum salary to Rs. 18."

JANAB K. T. M. AHAMED IBRAHIM :—" Do Government expect the peons on a salary of Rs. 18 a month to live? "

THE HON. SRI B. GOPALA REDDI :—" Over and above that they are getting a dearness allowance of Rs. 18 or Rs. 19."

[18th November 1949]

JANAB K. T. M. AHAMED IBRAHIM :—" Do Government think that salary plus dearness allowance will be sufficient for any man to maintain his family? "

THE HON. SRI B. GOPALA REDDI :—" Peons are maintaining their families all right." (Laughter.)

JANAB K. T. M. AHAMED IBRAHIM :—" How? "

THE HON. SRI B. GOPALA REDDI :—" I do not know; I think it is quite sufficient; they are maintaining their family."

JANAB K. T. M. AHAMED IBRAHIM :—" Does not the Hon. Minister think that it is due to this inadequate salary there is a lot of tipping and bribing in the case of peons? "

THE HON. SRI B. GOPALA REDDI :—" I do not think all the seventeen thousand or eighteen thousand peons are being tipped by hon. Members or their friends."

JANAB K. T. M. AHAMED IBRAHIM :—" Have they got any ostensible means of livelihood, considering the salary and the dearness allowance they are paid and the high cost of living? "

THE HON. SRI B. GOPALA REDDI :—" I have not conducted an economic survey of the properties of the peons! "

JANAB K. T. M. AHAMED IBRAHIM :—" May I inquire whether from a common sense point of view there is not a necessity, without conducting an inquiry into their economy, to increase their salary, as it is only small now? "

THE HON. SRI B. GOPALA REDDI :—" Previously, the scale of pay was Rs. 12 to Rs. 16. Now it has been enhanced to Rs. 18 to Rs. 25 plus a dearness allowance of Rs. 17 or Rs. 18. So from Rs. 12, their salary has gone up to Rs. 36 or Rs. 37 as basic salary."

SRI P. R. K. SARMA :—" Is the Hon. Minister aware that the cost of living has gone up three times since the commencement of the war? "

THE HON. SRI B. GOPALA REDDI :—" The salary also has gone up three times, Rs. 12 to Rs. 36."

SRI P. R. K. SARMA :—" May I inquire, Sir, whether the Rs. 12 paid before the war was then sufficient for them to keep their body and soul together? "

THE HON. SRI B. GOPALA REDDI :—" For a very long time, for peons, that scale of pay was in force."

JANAB ABDUL LATIF FAROOKHI :—" If the Hon. Minister thinks a small salary of Rs. 25 a month is sufficient for peons to maintain their family, will he consider the advisability of revising the salaries of high-paid officials including Ministers? "

THE HON. SRI B. GOPALA REDDI :—" The salary of Ministers including that of hon. Members of the Legislature cannot be touched so easily."

[18th November 1949]

SRI P. R. K. SARMA :—“ May I know whether the lowest salary paid to Government employees is Rs. 10, and even less and that limit of Rs. 10 has been recently fixed by the Finance Department? ”

THE HON. SRI B. GOPALA REDDI :—“ I do not think it is a full-time job. Perhaps it is a part-time job, and so he is paid that salary.”

JANAB ABDUL LATIF FAROOKHI :—“ Sir, while it is possible for increasing the salary of members of the Legislature and Ministers by passing an Act in this House and in the other House, is it not easy similarly to pass an Act to reduce their salary? ”

No answer.

SRI R. SURYANARAYANA RAO :—“ Are Government aware of the scales of salary and allowance of Central Government employees in this City and in this Province? ”

THE HON. SRI B. GOPALA REDDI :—“ We are fully aware of the scales given by the Government of India.”

SRI R. SURYANARAYANA RAO :—“ So, are they also aware of the disparity in the scales of the Provincial Government and the Central Government? ”

THE HON. SRI B. GOPALA REDDI :—“ We are also fully aware of the disparity between the two scales of pay, and we are also fully aware of the position of the Government of India with regard to their general scales of pay.”

SRI P. R. K. SARMA :—“ Are Government aware that the Government of India are giving a higher dearness allowance to their employees? ”

THE HON. SRI B. GOPALA REDDI :—“ It may be so.”

SRI R. SURYANARAYANA RAO :—“ Are Government aware that this disparity is causing heart-burning among their employees? ”

THE HON. SRI B. GOPALA REDDI :—“ This difference between Provincial Government employees and Central Government employees was always there. It is not a recent innovation. Right from the Secretary to Government down to peon, there is this disparity, and we do not propose to give them Government of India scales of pay.”

11.30 a.m. DR. V. K. JOHN :—“ Do the Government believe in a contemplated service? ”

No answer.

DR. V. K. JOHN :—“ Will the Government undertake an economic survey to find out whether the pay and dearness allowance given to peons and other menials are sufficient for their living? ”

[18th November 1949]

THE HON. SRI B. GOPALA REDDI :—“ I will have to cut coat according to the cloth available. In view of the financial stringency, I do not think I can enhance the salary of either the low paid or the high paid servants. So an economic survey at the present juncture may not be desirable.”

SRI P. R. K. SARMA :—“ Will the Government consider the desirability of raising the salary of those who are drawing below Rs. 18 to Rs. 18, the minimum salary given to the peons? ”

THE HON. SRI B. GOPALA REDDI :—“ If the post is a full-time job, we will certainly consider the raising of its minimum salary to Rs. 18.”

Conference of those interested in juvenile delinquency.

* 40 Q.—MRS. M. N. CLUBWALA : Will the Hon. the Minister for Education be pleased to state whether he has received a request for having a conference of those interested in juvenile delinquency and allied subjects and, if so, whether he contemplates convening this conference?

THE HON. SRI K. MADHAVA MENON :—“ It has been proposed to constitute a Committee to report on jail reforms. With reference to certain suggestions received in regard to the tackling of the problem of juvenile delinquency, it is proposed to ask the Jail Reforms Committee to report also on the problem of juvenile delinquency in the Province.”

SRI R. SURYANARAYANA RAO :—“ May I know whether sufficient representation will be given to those who are interested in juvenile delinquency on the proposed Jail Reforms Committee? ”

THE HON. SRI K. MADHAVA MENON :—“ I think the Chief Inspector of Certified Schools will be there. I do not know who else will be on the Committee and I cannot say anything now.”

MRS. M. N. CLUBWALA :—“ May I know whether representation will be given on the Committee to voluntary organizations interested in the problem of juvenile delinquency? ”

THE HON. SRI K. MADHAVA MENON :—“ The proposed Committee for Jail Reforms consists of officials and non-officials and includes men who know the problem of juvenile delinquency also.”

MRS. M. N. CLUBWALA :—“ A Bill to deal with juvenile delinquency has been promised, and is the Hon. Minister aware that we are not yet able to see the Bill? ”

THE HON. SRI K. MADHAVA MENON :—“ It is not yet time for the hon. Members to see the Bill. It could be seen when it is published for eliciting public opinion.”

[18th November 1949]

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MOTION UNDER RULE 15 OF THE MADRAS COUNCIL RULES.

THE HON. DR. T. S. S. RAJAN :—“ Sir, under sub-rule (3) of Rule 15 of the Madras Council Rules, I move—
‘that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly be taken into consideration before the Draft Rules under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.’”

THE DEPUTY PRESIDENT :—“ The motion before the House is—
‘that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly be taken into consideration before the Draft Rules under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.’”
The motion was carried.

III.—THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) BILL, 1949.

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Mr. Deputy President, Sir, I beg to move—
‘that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949 (L.A. Bill No. 25 of 1949) as passed by the Legislative Assembly be taken into consideration at once.’”

“ The House is aware that on the 18th October 1949, the Madras Essential Articles Control and Requisitioning (Temporary Powers) Ordinance was promulgated by His Excellency the Governor. As the Ordinance has to be brought forward in the form of a Bill and passed into an Act before the prescribed period, I request the hon. Members to consider and pass the Bill.

“ The provisions of this Bill are the same as those of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, with only a few consequential changes. Some clauses may appear to be new, but actually they are not new but the same as the sections of the 1946 Act. Many of the provisions of the Act were not enforced at all, as there was no occasion for enforcing them. It only gives power to the Government, and it will be used on very rare occasions and perhaps not at all used.”

THE DEPUTY PRESIDENT :—“ The motion is—
‘that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949 (L.A. Bill No. 25 of 1949), as passed by the Legislative Assembly be taken into consideration at once.’”

[18th November 1949]

JANAB ABDUL LATIF FAROOKI :—“ Mr. Deputy President, Sir, I move—

‘that, under Rule 111 (1) of the Madras Council Rules, the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of fifteen members (five members from the Council and ten from the Assembly) to consider the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly.’

“ This can be considered to be a very moderate request. As a matter of fact, we feel that this Bill is practically unnecessary. The Act which this Bill reproduces has been in force from 1946, and the Government have not been able to achieve the object for which it was passed. Therefore there seems to be no justification for bringing forward this Bill. In spite of the existence of the Act, blackmarketing was going on. Permits were given to people who were favoured by the Government or the authorities issuing the permits. Rice was sent from one place to another without being detected, the cases detected being very few. To say the least, the Government were in a way helping the people to indulge in these activities. The Government acted like the man who gave previous intimation to the thief that the police were coming. The Government were broadcasting months in advance the action that they proposed to take. For instance, recently there was shortage of sugar. From about three months in advance, the Government were saying that they would seize stocks and control prices. The merchants became alert, hid the stock of sugar they had, and were selling it at an exorbitantly high price. At last there came a day when the Government fixed the price of sugar. By then all the available sugar went underground and people could not get sugar at the control price. The Hindus went without sugar during their important festival, Deepavali, and the Muhammadans went without sugar during Mohurram when they used to prepare a sugar syrup or *sherbat*. In my own house, the *sherbat* was not prepared this year for want of sugar. What is the purpose in passing laws if they are not going to be effectively enforced? The Government can take both the Houses into confidence, and refer the Bill to a Joint Select Committee which will consider the Bill calmly and dispassionately and suggest useful amendments, instead of passing laws in a hurry. Such an important Bill affecting the fundamental liberty of a citizen as the Maintenance of Public Order Bill was introduced in this House only yesterday, and we were asked to pass it yesterday itself. I only want that this Government, which have already become unpopular, should not become more unpopular. My fear is that not one of the present members of the Legislature including the Members of the Treasury Bench will be returned in the next election if we go on in this manner. Therefore I submit that we must at least consider the measures dispassionately. After all, a Joint Select Committee is not going to do any harm to the Government. By our suggestion to refer the

474 THE MADRAS ESSENTIAL ARTICLES CONTROL AND
REQUISITIONING (TEMPORARY POWERS) BILL, 1949

[Janab Abdul Latif Farookhi] [18th November 1949]

Bill to a Committee, we are only saving the prestige of the Government. If amendments are accepted in this House, they have to go back to the other House for approval. I do realize that this difficulty is there. For this reason the Government are not prepared to accept amendments in this House.

11-45 a.m. "But, I ask, Sir, why should not the Government accept the proposal to refer the Bill to a Select Committee of the Lower House or to a Joint Select Committee of both the Houses? The Government could have just consulted the Members of both Houses in the Joint Select Committee and amendments which will be acceptable to the legislature, and which will not be challenged either in this House or in the Lower House could be made to the Bill and if such a Bill is passed by the Legislature, then both the Government and Members of the House will have the satisfaction that everything had been done to tone down the repressive character of the measure.

"Now, Sir, let me examine some of the clauses of the Bill which, in my opinion, are very drastic. Sir, clause 1 (1) says—

'4. (1) If, in the opinion of the Provincial Government, it is necessary or expedient so to do for maintaining, increasing or securing supplies of any essential article or for arranging its equitable distribution and availability at fair prices or for directing, maintaining or increasing the production of any essential article, the Provincial Government may, by order in writing, requisition any property, movable or immovable, and may make such further orders as appear to them to be necessary or expedient in connexion with such requisitioning.'

"I submit, Sir, that this is a clause which confers arbitrary powers on the Government. The Government can requisition any property, can requisition anything, any building, including dwelling houses. In the second proviso to this clause, it is stated, 'Provided further that buildings solely used for residential purposes shall not ordinarily be requisitioned'. It does not exclude the possibility of requisitioning even dwelling houses. Then the Government in order to guard against further intervention by the people who are affected, have made another provision ousting the jurisdiction of the courts, thus preventing them to seek redress in courts of law. Sir, clause 17 of the Bill says—

'No court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary, so as to restrain the Provincial Government or any authority or officer empowered by or under this Act from executing or carrying out any order passed by them or by him under this Act, or in any way interfere with or affect such order.'

"Now, Sir, this provision ousting the jurisdiction of civil courts has become a common feature in almost all the measures enacted by this Government. We had cried hoarse against such a provision, but our cries had only been in the wilderness and I am sure, Sir, our cries even now are going to be in vain. But the Government should not think that they can go on flouting our opinion in this manner. A day will come when this very Government, this very administration, which is now trying to exclude the jurisdiction of civil courts, will themselves feel and will themselves be anxious that courts should interfere under these very Acts. People who are

18th November 1949] [Janab Abdul Latif Farookhi]

responsible for enacting these draconian measures might themselves be hauled up under these very Acts. They may then repent the day that they passed these Acts in the teeth of opposition, ousting the jurisdiction of civil courts, because it is a sacred privilege of the people. What is it that the courts do? They are also part of the Government; they are, in fact, one of the limbs of the Government. They do not act in any way against the interests of the Government, nor are they out to favour the people. They hold the scales of the balance even, between the Government and the people, and between one party and another. If a party affected goes to the highest court in the land, and that tribunal gives a decision, either in his favour or against him, he is satisfied. The Government must allow the parties to go even to the highest court in the land, so that the parties may have the satisfaction of having exhausted all means available to them to get justice. People must feel that they had had recourse to the highest judicial authority in the country and that that judicial authority had felt that they were not right. That would give them great satisfaction. Now this clause says that even if their property is requisitioned and their dwelling houses taken away, they should not have any recourse to a court of law."

THE HON. SRI K. MADHAVA MENON :—"That clause does not say anything like that, Sir. The hon. Member is simply imagining certain things. It only says that 'you can go to court, but that no injunction will be granted by that court'. That is all it says, Sir."

DR. V. K. JOHN :—"Sir, the Hon. Minister will have his chance to reply to this at the end."

JANAB ABDUL LATIF FAROOKHI :—"Sir, let me read the clause once again very clearly. It says: 'No Court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction . . .'. What I say is that no court has power to issue injunctions. Suppose the Government had taken away the house of a person and had kept it for themselves for years together, where is the remedy for the man? That is my interpretation, Sir. If the Hon. Minister feels that the court can interfere and has jurisdiction, then I ask him, in all earnestness and in all humility, where is the necessity for this clause 17 at all? Then why not delete this clause? Why should you say that it is necessary and should be retained in this Bill? I therefore submit, Sir, that the Government are trying to take arbitrary powers, powers which infringe upon the right of the individual and upon the right of the society, by means of this legislation.

"Then Sir, let me come to clause 12 (1). It says—

'If any person contravenes any order made under section 3 or section 4 or section 7 (1) (a) or continued under section 9, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.'

[Janab Abdul Latif Farookhi] [18th November 1949]

"Sir, the imprisonment of three years is itself a long period and a heavy punishment indeed. Perhaps all these enactments may not be in force even for so long a period, on account of the new constitution that is going to be usured in for Independent India. This clause says that besides three years imprisonment, he can also be fined and even after that, his property can be confiscated. Is this the sort of justice we are meeting out to people for any crime committed under this Act? Is it with a mere vindictive motive that we are enacting these laws? You imprison a man, and along with it, you fine him and even after that you want to confiscate his property and make him a pauper and rowdy in consequence. Is that your intention by enacting a legislation like this? What is then left for the man to get on in life, and where is he to go and how is he to earn his livelihood? You are not enacting this legislation for simply punishing a few people, who have got the tendency to commit crimes. An Act is enacted only in cases where there is a general tendency on the part of the public to commit crimes. Such being the case, if you think that there are so many people who have a tendency to commit crimes, and if you are going to imprison them, you are only going to aggravate the food situation, because you have got to feed them; and if at the same time you are going to confiscate their property, what is left for those people in the world to live on, except to try to create revolution to overthrow this Government and create chaos and disorder in the country? Are you going to create a situation like that by means of this measure? Therefore, Sir, it is that I submit that all these clauses must be toned down and must be modified in order that people might have a chance to rectify themselves, even though they have committed an error. Sir, people are apt to err; they may sometimes commit crimes, but they should be given a chance to improve their character and to rectify their criminal tendencies. Even black-marketers should be given a chance to correct themselves. Therefore, I say that such rigorous provisions should not be included in the acts which we pass, and I feel that this clause needs very great modification and that the Bill should be taken before a Joint Select Committee for being considered and thrashed out again.

"Then Sir, I come to clause 12 (2). It states—

'Where any essential article is seized under the authority of an order made under this Act or continued under section 9 and such order provides for the forfeiture of the article in respect of which the order has been contravened, such forfeiture may, whether or not any prosecution is instituted for a contravention of the order, be adjudged by the Collector of the district or Presidency town in which the seizure was made, and any forfeiture so adjudged shall, subject only to an appeal which shall lie to the Provincial Government, be final.'

"Sir, who is the executive authority who passes an order of seizure? It is the Collector, who owes his position to the Government. He always looks to the Government for favours and for promotion. He will always have an eye upon the Government to see that he pleases the Government. Therefore he will certainly pass an order which will be pleasing to the Government. Then that order will not go on appeal to any court of law. The appeal

18th November 1949] [Janab Abdul Latif Farookhi]

lies only with the Provincial Government, which is also the executive authority and that is the final appellate authority. What will the Government do in such a case? They will simply dismiss the appeal and uphold the order of the Collector, as otherwise the prestige of the Government will be at stake. Therefore, Sir, it is necessary that this clause also should be reconsidered and modified, and it is only a Select Committee that can do so. If, on the other hand, the Government with all these defects and all these rigours in the Bill, pass it, without any amendment and without considering it again, what will the public outside think of this legislation and of the Government which enact this law?

"Then Sir, take clause 13. It is also a very drastic provision indeed. It says—

'Any person who attempts to contravene or abets or attempts to abet or does any act preparatory to a contravention of an order made under this Act or continued under section 9 shall be deemed to have contravened the order; and any person who, knowing or having reasonable cause to believe that any other person is contravening any order made under this Act or continued under section 9, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall also be deemed to have contravened the order.'

"Sir, here it is not the actual perpetrator of the crime, but the people who are suspected to be abettors, by somebody in whom this power is vested, who are being made punishable. Some person in authority in whom this power is vested may misuse this power and haul up any man and every man and say, "You are an abettor and therefore you are punishable under this clause." He may have some personal spite or jealousy and other personal motive against this man. Here this clause relates only to abettors and not the man who actually has committed the crime. I submit, Sir, that this is also a very drastic provision which also requires some modification.

"Again, Sir, let me come to clause 16. I feel, Sir, that this is a very important clause. It says—

'Where any person is prosecuted for contravening any order made under this Act, or continued under section 9 which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proof that he has such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission shall be on him.'

"I submit, Sir, that this clause is against all principles of law and all canons of jurisprudence, because up till now we have been thinking that the burden of proof lies, not on the accused, but on the prosecution. That has always been a healthy principle of law that has been followed in all courts. It is the complainant who has got to prove that a particular man has committed an offence. Sir, I am not a lawyer and I do not know, nor have I heard the existence of a provision like this in any Act or law. This is an unheard of thing. Everybody knows that the burden of proof is on the complainant. The accused is not even asked any question in a court of law. He is simply asked to state whether he pleads guilty or not. Nothing else is asked of him.

[Janab Abdul Latif Farookhi] [18th November 1949]

12
noon.

"Evidence is adduced against him. He is asked to defend himself, and the burden of proof rests on the prosecutor. The Hon. Minister for Law is an eminent lawyer himself. Nobody can question about his eminence in law. He himself knows—I need not say this, because it will mean carrying coal to Newcastle—that the burden of proof rests on the complainant. Why do you change that procedure now? Why do you go against all principles of law? Anywhere in the world, the accused is simply to sit mum and silent; he is not asked to say anything even in cases of murder. Do you place the burden of proof on the accused and ask him 'well; it is for you to prove that you have not committed murder'. You do not do that. Is the crime under this Bill more heinous than murders. How are the Government passing Bills like this thinking that people outside do not understand these things. People outside this Legislature are more sensible than this Legislature or at least as sensible as people who are sitting here. When they read the papers, they say 'what are these people doing like mad people who know nothing'. Sir, I do not want to use expressions used by the people. They say 'what are these people, ignorant people, doing, as if people outside the Legislature do not know anything'. This is the way in which the Legislature, the Ministers and this House are treated by the people. Therefore we must do thing which will always convince the people outside. What will the people outside say? They will say that if a man who has committed murder is asked to stand in the box, that man will not be asked to prove that he is innocent. The proof of murder rests on the prosecutor. The greatest crime that can be committed is murder. There is not a more heinous crime than murder. If a murderer is not asked to prove his innocence and if the burden of proof should rest on the prosecutor to prove his guilt, I would submit that in this case, greater consideration must be shown. In cases like this, the man should not be asked to prove that he is innocent. The fact that he is not innocent should be proved by the prosecutor. Because of these reasons, I submit that there is necessity for a Joint Select Committee. The request for a Select Committee was turned down in the other House. I would have asked for a Select Committee of this House, but as the request for a Select Committee has been refused in the other House, I thought that it would be better that a Joint Select Committee of both the Houses might be constituted to consider the various Clauses of the Bill, so that the rigour of the Classes might be toned down and the Bill put in a form which would be acceptable to the people, which would be workable, which would not inflict hardships on the people, and which would redound to the credit of both Houses of Legislature. Therefore, I submit up of a Joint Select Committee of both Houses. I hope that the Hon. Ministers and Members on the other side of the House will see the reasonableness of this request and accept my amendment. Sir, I move my amendment."

DR. SYED TAJUDDIN :—"I second the amendment."

18th November 1949]

*SRI R. SURYANARYANA RAO :—"Mr. President, Sir, I had no intention of taking part in this debate, believing as I do, and differing from my hon. Friend the Leader of the Opposition, in controls. What I am surprised is that when a measure of this kind is brought forward, which is merely a repetition of the Act passed in 1946, I expected the Government to examine how far the provisions meant to be used in 1946 were really necessary in 1949. It appears to me that the Hon. Minister for Law assured us yesterday that his department keeps careful watch over the Acts that are to expire and bring them to the notice of the Government whether they should be extended or not. When a Bill of this nature was brought forward, was every clause that is inserted examined to see whether the necessity for it existed? We expected that the Hon. Minister for Food would make out a case why he felt that powers of requisitioning and acquisition were necessary. The curious thing is that they have referred to the provisions of the Defence of India Rules which have already become defunct. It is true that these provisions were necessary at the time of war and also when we had not recovered from the after effects of war. Are we now in a state of War that this Government should have the power to requisition and acquire property? These are provisions which the Government should possess only in times of great danger. I do not think the Government have bestowed any thought on any of the provisions included in this Bill. They have simply copied the 1946 Bill, put it as an ordinance, and having made it an ordinance, they have to pass a Bill before the expiry of the stipulated period. Therefore it is that this Bill has been brought forward. I do not think this is fair to the Legislature. They want to restrict this Bill to 30th September 1950. If the conditions which exist now are such as to make the Government feel that they need all these various powers, what makes them think that by 30th September 1950 such a necessity will not continue to exist? Sir, I sympathize with the amendment of my friend Mr. Farookhi. If the Hon. Minister for Food had agreed in the lower House or even if he now agrees to refer this Bill to a Select Committee, the Select Committee might weed out those provisions which are of no use, and which should not find a place on the statute book. Only those essential powers required for the purpose of carrying on the controls in regard to food and other essential articles need be taken. All kinds of things have been put in this Bill. People outside think that we are mad. My friend Mr. Farookhi said that we were trying to introduce provisions in this Bill for which there was no need at all, and that the Government were trying to take powers unnecessarily. The result is that the statute looks very respectable with a number of pages, but none of its provisions will be utilized. I do not know why the Government need these powers of requisitioning and acquisition. Even the Hyderabad trouble is over. At that time it was felt that we might need powers to acquire and requisition certain properties with a view to carry on certain operations, if necessary, against Hyderabad. The surprising thing is the Schedule to the Bill. Certain articles are mentioned there. The Government have the power to add to the list other articles also when they find it necessary to do so. My hon. Friend the Leader

[Sri R. Suryanarayana Rao] [18th November 1949]

of the Opposition asked me 'how is it that the foodgrains are not included under this Bill; they are administering the foodgrains control order also, and it must come under this Bill.' I think the Hon. the Food Minister will answer this point. (Interruption.) It may be under the Central Government's control orders. With these few words, Sir, I support the amendment of my friend Mr. Farookhi. Even if there is delay in the passage of the Bill, we are perfectly willing to give to Government all the powers in order to carry on the strict control over all essential articles. But if this Bill is referred to a Select Committee, it will be possible to remove all unnecessary provisions and make this Bill small and contain only essential provisions. With these few words, I support the amendment of my hon. friend Mr. Farookhi."

* SRI N. RANGA REDDI :—" Mr. President, Sir, I do not want to take up the time of the House on all the provisions of this Bill, but I would like to say a few words with regard to clause 7 of this Bill. Clause 7 refers to the control of agriculture. I submit it is a very difficult matter in which the Government will find themselves and very inconveniently placed to operate this clause for more reasons than one. I may submit that I am not opposed to the imposition of controls if they are absolutely necessary for controlling the price of essential articles. But if for any reason the control imposed is impossible or impracticable, I submit that control need not be exercised. It is from that point of view that I would like to say a few words regarding clause 7. Clause 7 seeks to empower the Government or any person authorized by the Government to impose restrictions with regard to the kind of crops to be sown. I may here also remind the House that this Bill is only for a limited period. It will be in force only till the 30th September 1950. Within this period of one year, one may probably raise two wet crops or one dry crop, if it is a dry crop. If power is taken by Government to impose restrictions on the sowing of crops, and dispossess the previous owner and give possession of lands to another person, to sow a particular kind of crop, what will happen? Though this may look feasible on paper, in practice it will not at all be workable. After all in particular seasons in a year we have to sow particular crops. Only at a particular point of time, a particular crop can be sown. You cannot find out whether the ryot who has been asked to sow a particular crop in a particular season is going to sow that crop. When you come to know that he has failed to comply with the order given to him, that particular crop season will be over. Anybody who is asked to sow that particular crop at that time will not be in a position to do so. Therefore, I would like to impress upon the Government that this provision is highly impracticable in the very nature of things. After all, for a limited period, this provision will not be very effective. We will only incur the discontent of the peasants so far as this clause is concerned."

12-15
P.m.

"Sir, there is also another point that I would like to emphasize."

DR. V. K. JOHN :—" Am I to understand that the hon. Member feels that the Government are doing impracticable things? He is himself degrading the Government, Sir."

18th November 1949]

* SRI N. RANGA REDDI :—" I am not doing it, Sir. If some provision is found to be defective, I am expressing my opinion."

"Sir, there is another point to be considered in this connexion. If control of an article is to be imposed, it should be imposed not only at the time of its birth as it were but also at the time of its growth and at the time of its distribution and so on. I would like to make my meaning quite clear. It is not sufficient for the Government to say that a particular crop ought to be sown over the land. If the Government were to say that a particular crop ought to be sown over the land, they should also take care to see that a particular price is fixed which can be said to be remunerative so far as the peasant is concerned and if the peasant is not able to get that remunerative price, it would be very hard and cruel on the part of the Government to say 'I dictate to you that only a particular crop is to be sown and you should obey me.' After all, this is not a case of unilateral transaction because so many penalties are also provided. Clause 7 (1) (a) only gives power to the Government to provide, by notified order, for prohibiting a particular act and the Government say 'If you transgress this order, I will punish you.' But so far as this Act is concerned, it is not only a case of unilateral transaction but something has to be done by the Government also. No doubt, the Government will issue an order to the peasant to grow or sow some particular crops on his land. But after the crops have been sown, it is the duty of the Government to see that his crops are also sold at a reasonable and fair price. Otherwise, the Government will be taking a very hard view of the matter and thus the peasant would be put to a serious loss."

"Sir, as I said, the Government having given an order, should also fix a reasonable price. I hope they will do so and see that proper distribution is made to the consumers in the Presidency. But what happens is the price that has been fixed by the Government on a particular occasion is not going to prevail for that whole year and they are going to change in the middle of the year that price which was fixed for one particular time. That has happened in the course of this year itself. A particular price was fixed for foodgrains. That price has been abandoned and a new price has been fixed which will come into force either from 1st November or 1st December. No doubt the Government will say "We have no control over the price of these foodgrains; that is a matter which is entirely left to the discretion of the Central Government." But that argument does not hold water. I would submit to the Hon. Minister for Law that my point with regard to clause 7 is that the control exercised by the Government should not be confined only to asking the peasant to grow a particular crop but it should also go further and the Government must say that they are going to purchase the foodgrains raised by him, at a particular price. Then only it will be practicable and reasonable."

"Another point is, having said so, it is the duty of the Government to see that they purchase those foodgrains, whatever be the price. They are proceeding on the assumption that what is called

[Sri N. Ranga Reddi] [18th November 1949]

the 'political price' which has been fixed at the beginning of the year will continue throughout the year. But unfortunately our market price does not depend on, or is not commensurate with, or is not the same as the political price. It varies with varying circumstances."

DR. V. K. JOHN :—" I want to know the meaning of the term 'political price'."

*SRI N. RANGA REDDI :—" Sir, the meaning of the term 'political price' is a price which has been fixed by the Government whether it is in relation to all the factors that have been taken into consideration in producing the crops or otherwise, whereas a market price is one which is ranging in the market irrespective of other considerations. Therefore, I would submit that the political price and the market price are not always the same. They differ. Hence, when once a political price has been fixed, irrespective of whether the market price is the same as the political price or not and whether the market price is lower than the political price or not, the Government should be in a position to purchase all those articles or grains which have been produced by the peasant at the instance of and in conformity with the order. But unfortunately my experience has been otherwise. We know, Sir, that there has been control exercised over the purchase of foodgrains. As I said, I have no quarrel about it at all. I do want the foodgrains to be procured and I also want the Government to distribute them at reasonable prices to the people. That is the duty of any civilized Government. But what happens is this. Last year—I am talking of the conditions that prevailed before the cyclone and the floods—some people were clamouring that the procurement of foodgrains had not been very satisfactory. I may submit there was no need for procurement at all because the market price was far below the price fixed by the Government. Therefore, what happened was that the people who were appointed as procuring agents were not willing to purchase the foodgrains in the open market, because when once the foodgrains had been purchased in the open market, they could sell them only to the ration shops and ration shops were also not willing since the ordinary consumer was getting his articles for a very low price in the open market. Therefore, the procuring agent was reluctant to purchase these foodgrains and was not willing to shoulder the responsibility under the law. So, what I would like to submit to and impress upon the Government is when once they have taken upon their shoulders the duty and the responsibility of providing the foodgrains at a reasonable cost to the people, they should procure them at a reasonable price and even if the price goes down in the open market, it is their duty to shoulder the responsibility and pay the loss to the procuring agent who purchases those foodgrains. Sir, this sort of thing is going on even now in the mufassal places. When I debated this point in the local Food Committee, one respectable official holding the position of a Deputy Collector said, ' We have

[18th November 1949] [Sri N. Ranga Reddi]

been seeing the market price is much lower than the political price. I am trying my level best to procure these foodgrains and yet I am not able to get them.' I said, ' It passes my comprehension when the market price is much lower than the political price or the Government price, the peasant will be so foolish as not to take advantage of this position and sell his foodgrains to the Government.' The political price on paper might be much higher than the market price. But when once the peasant parts with his foodgrains to the Government, what happens? He will not be able to get back his money immediately; probably he will have to spend much more; and if the difference between the market price and the political price is large the attempt will be to sell his grains only to the local dealer rather than to the Government. He will have the satisfaction of only selling his foodgrains to the Government at a higher price, but in practice he will get much less. Therefore, you will have to see the reason. The peasant, being a human being, is actuated by reasonable motives. Though the price is not high, he is selling it only to the local dealer and not to the Government. This feature even now prevails. The margin between the political price and the market price is very high but the peasant is not willing to sell his grains to the Government though the Government price is higher. Therefore, I would like to submit, please don't be satisfied with imposing restrictions on the peasant by simply asking him to sow a particular crop but see that you fix a particular price which is reasonable even before the crop is raised and then if the dealers are not willing to purchase it, you take the responsibility of purchasing those grains and thus create confidence in the minds of the peasant. The Government must give him an assurance. ' Whatever may be the consequence, I am here to protect you. I asked you to raise a particular crop: I won't make you lose.' Then only the Government can control. Otherwise, it will be impossible, in the nature of things, to impose a condition like this. Therefore, I would submit to the Government that not only should they impose such restrictions but also they should see that the restrictions cover the entire field, from production till distribution. Then only the control will be satisfactory.

" Regarding the control of other articles also, the Government must see that they fix a very fair and reasonable price which will attract or tempt the peasants as a whole. Otherwise, imposition of control is practically a nullity."

* DR. V. K. JOHN :—" Mr. Deputy President, Sir, in attempting to pass this Bill into law, I feel the Government do not realize one fundamental or elementary principle that the object of all control is decontrol. The very day you introduce control, you must have a definite plan to get rid of that control. In 1946 we passed a law for a limited period to control the production, supply, distribution, transport and prices of essential articles and trade and commerce therein and requisitioning of property. Now the Hon. Minister in introducing the Bill said and correctly said that that Act was not made use of very much except in the case of one

[Dr. V. K. John] [18th November 1949]

article which I will mention now. This Act was almost a dead letter. I have not heard except in respect of one article complaint against Government that they have used arbitrary powers of control under this Act which we passed in 1946, because there was no need for the Government to exercise control. The only control they exercised is on article No. (11) in the Schedule 'Motor vehicles (new or used)'. In 1946 there was a rush for the purchase of motor vehicles and Members of the Legislature who were given first priority were in the field and the Government helped them and there was even an inquiry whether a large majority of the motor vehicles purchased under control were not put into the black-market. Control and blackmarket always go together; therefore, we should not exercise any control over anything unless it is absolutely required. Control was exercised in the case of cars; so many people who had influence purchased cars under permits and then sold them away at higher prices and were thus benefited. All this is known to the members of the public. Now, except for this article 'motor vehicles' what is the control the Government have exercised? Hon. Roche Victoria said, 'we have not exercised much of this control at all. In a panic, this Act was passed, introducing the requisition of immovable property, etc., in 1946. I ask: are the Government living in closed rooms, not being in touch with what is happening around them in the City and in other parts of the Province? Why do they want control on various articles mentioned in the schedule—firewood, charcoal, livestock, non-edible oil-seeds, dyes, etc. I say, except for one or two of the articles mentioned here, there is no necessity for control at all. I know some merchants who are selling dyes—some of them are my clients—I am told dyes have the poorest market: there are not sufficient number of people to buy the stuff and prices have gone down to half the old level; and still this Government, living inside a shell, without any touch with public opinion and the market, ask us to pass a law enabling them to control dye-stuffs, and control new cars, for which there is no sale. Sir, control is something which gets into the flesh of the Government and sticks there, not like a leech, but as part and parcel of their very existence. Without control and ordinance, the Ministers will go and ween: they can be happy only with controls. Look at this Act which they want to re-introduce in 1949? What is the definition of 'essential articles' given here? 'Essential articles' mean any of the articles specified in the schedule to this Act and any other article which may be declared by the Provincial Government by notified order to be an 'essential article.' They can even say, with due respect, Sir, that the turban worn by anybody—say the Deputy President—could be an essential article and notify it. The power is vested in them to do so. Why do they want a schedule at all. I ask? There must be somebody in the Government, he may be a head clerk, a Superintendent, an Assistant Secretary or Secretary—who can think. Once the Government take power to say that anything they declare will be a controlled article and comes under the purview of this Act, why should there be a schedule, putting

12.3
p.m

18th November 1949] [Dr. V. K. John]

into it, charcoal, dyes, cars, etc.? It is a comedy one cannot understand. This responsible Legislature has to look into every clause, every sentence, even a comma, and fulstop in an Act; have we the responsibility to go into everything and scrutinize what they are doing? Is this a school-boys' room where something is dictated by the schoolmaster and then carried and passed by the votes of boys who are bound to vote? This is a disrespect to a Legislature constituted as it is—the Assembly and the Council. They say there is no need for control but still they want control because it has become part of their constitution; they say 'we cannot sleep, we cannot eat, we cannot smile unless we introduce this control'. That seems to be their attitude. It is a very wrong thing. First, let them learn the elementary principle that the object of all control is decontrol. If they never requisitioned property at all, why this control again? Then what is it that they have done under this law? If I were to advise, I would have asked them to have a brief, very small Act; let them take control over articles which they may declare from time to time and take power for control of production, supply, distribution, transport and trade and commerce therein, as they have said. Two sections are enough, and they can declare from time to time what is an essential article. Again, why fix a date, 30th September 1950? Let them have a permanent law. It is a popular Government and we will give them all support. Instead of that, ignorance—after all ignorance is bliss—of everything that is taking place in the Province, is evidenced by their asking us to re-enact a temporary enactment of 1946, passed under circumstances absolutely different from what they are to-day. This is treating the Legislature, a respectable body of persons who have got to make law for the Province to bind the people of the Province, with scant courtesy—a Legislature where they have a steam-roller majority which will vote for them. Is it not a tragedy that this Government, having got advisers, think that they themselves have no time to attend to all this, but think they can take up the time of the Legislature? That is why my hon. Friend said that a Select Committee could have discussed and examined the provisions, but they won't have it. They simply come here and say 'an ordinance was passed some time ago; let us pass this Bill for another year'. It is not merely a comedy, it is a tragedy. It is most irresponsible conduct on the part of the executive to come forward with measures for which there is no reason or rhyme. Why control firewood, charcoal, non-edible oil-seeds, dye-stuffs, dyes used for textile printing, artificial silk yarn and motor cars, new or used, all of which can be had in plenty in the market—I can never understand it at all. Should they not have looked into the schedule for one minute and found that the schedule need not be there? They can notify any of these articles from time to time. I ask this Government to think a little before they come to the Legislature of the Province and ask it to pass Acts. Why make the Statute Book larger with all these control Acts? If somebody edits the Madras Acts to-day, they will go into volumes: formerly for a hundred years and

[Dr. V. K. John] [18th November 1949]

odd, we had only one book—the Lawyers' Library contained one book for all Madras Acts, but to-day you must have a dozen. After the Congress Government came into power Acts after Acts were passed, absolutely unnecessary Acts. What is the necessity for this Act? Did the Hon. Minister who introduced the Bill tell us that the Government found need for control over charcoal, firewood, livestock, etc.? He has not said a word at all. In fact, if the Government want cars—only their prices are high, but— they can be had in plenty and no control is required over cars at all. Although this measure will be passed into law, in spite of our protest, it might be the Government will still be in difficulties regarding essential articles. We might be on slippery ground, but let us use that stick for walking over the slippery ground!— they might well say so. But do not always be bound to a stick for walking, otherwise you will become weak—that is what I would say. Let not Government think that controls are part and parcel of the Government machinery; we must get rid of all control. Let people be free, let markets be free. The Government simply want to introduce control, merely copying some Act which was in force in 1946, passed in circumstances quite different and with different objects. And here they are taking up the time of the House, asking us to pass something which is unnecessary and superfluous, without even correcting the mistakes in the schedule and in the body of the Act. This Bill is no compliment at all to the Government; Government have better duties to attend to and this House also has got better duties to attend to. This Bill pays no compliment to the Government; it is a pity that the Government should have thought it necessary to re-enact this 1946 Act. I ask the Hon. Minister: although you may get this Bill passed to-day, bring in another amending Bill to delete the clauses which are not required and the schedule, retaining only such clauses as are absolutely necessary, so that the people of the Province may be impressed that the Government are after all a thoughtful body and they think and act sensibly. Now, if any member of the public reads this Bill, he will laugh. Should this Government be the subject of ridicule and laughter? We are interested in the prestige and reputation of this Government; but we are very much more interested in the prestige and reputation of this House which the Government try to spoil by introducing such Bills and getting them passed by the majority which they can command at any time."

* THE HON. SRI K. MADHAVA MENON :—" Sir, the hon. Leader of the Opposition said that Government have better duties to do than bring legislation like this. I also think that to-day he has no better thing to do; he would never have talked like this if he had any other business to attend to. The whole speech of the Leader of the Opposition can be said to be nothing more than waxing eloquent over nothing."

DR. V. K. JOHN :—" It is a great thing, Sir, to wax eloquent on something, but a man waxes eloquent on nothing at all on occasions."

18th November 1949]

THE HON. SRI K. MADHAVA MENON :—" I admit his capacity for that, Sir. Apart from that, if he thinks this is sheer waste of time to go through this Bill here, is it not a greater waste of time to refer the Bill to a Select Committee who will spend another two days over it? "

DR. V. K. JOHN :—" But the Select Committee would have cut down the unnecessary clauses."

* THE HON. SRI K. MADHAVA MENON :—" It is true that at the time when it was passed in 1946, some articles were included in regard to which there were no control orders; but there was control over firewood, over charcoal, non-edible oil seeds and manure. Subsequently, we added a number of things by notification and some of them are still under control. Cinchona bark and cinchona products, we have removed control over them; cotton, Indian and foreign, is still under limited control. Control over timber we have removed; iron and steel control still exists. Controls have been removed on paper, brass and copper, etc. In regard to cotton seeds and oil seeds, there was control till recently and we have just removed it. So much so, there are always some articles under control. Nevertheless, there is one item over which is a cloud hanging whether there should be control or not and that is, firewood, which is a matter that is causing a bit of anxiety. There was a time when firewood was not available in Madras for love or for money and with control we were able to secure it for the people, but with regard to it we are still in doubt as it is a difficult case and we do not know whether a time will come when we will have to do like that. Motor cars, we have removed control over them . . ."

DR. V. K. JOHN :—" But they are in the schedule of this Bill."

* THE HON. SRI K. MADHAVA MENON :—" By another clause, we have removed control over cars and have limited it to 10 per cent on the sale of cars. There are 11 items in the schedule. By various notifications, we have removed one article after another from the schedule as and when we found there was no necessity for controlling that article. Sir, now cement, cotton, iron and steel are controlled commodities. If we find that there was no necessity for classifying a particular article as 'essential' we will not keep that in the schedule a moment further. The Legislature has given sanction for this Act to remain in force till September 1950."

DR. V. K. JOHN :—" My point is that this schedule is repeated as from the old Act of 1946. It is not answered."

* THE HON. SRI K. MADHAVA MENON :—" It is not possible to answer all the questions of my hon. Friend. He asks, 'Why is not the schedule repealed?' Sir, this is a question in which we have to act cautiously. Take the case of firewood. The position has not been good for some time past. God help us, so that we

12-45
p.m.

[Sri K. Madhava Menon] [18th November 1949]

may not bring in firewood also in this schedule and control it. So, if we were to remove this schedule, we cannot bring such essential articles as firewood and cattle feed, the positions of which are worsening, under the schedule and control them. I can only say that the items in the schedule are only those which are absolutely necessary to be controlled. We have to keep certain items in the schedule, which are in short supply to ensure that the public do not suffer for lack of these articles. Sir, we do not know what our position will be with regard to firewood and cattle feed in view of the terrific cyclone that has happened in Andhra Desa recently. We may have to take action with regard to these articles and we may have to control them.

"It is said that we are completely shut in the cells of the Secretariat and do not know public opinion. I can only pity my friends who say like that. It is only like a jaundiced person seeing everything yellow. I cannot satisfy those friends. But I can satisfy others, whom these friends want to confuse, that there is necessity for this Bill.

"Considerable misapprehension has been expressed about clause 7. Mr. Narayanaswami Nayudu asked me whether there was a provision like this in the original Act. I told him that there was a provision in the original Act. I have also told him that though there was this provision in the old Act, it was not used, nor was there an occasion to use it. I showed him the original Act also. I have also told him that what was contemplated was only to control such of the essential articles like livestock, manure, eggs, etc., which are in the schedule and there is no question of requisitioning agricultural land. As already stated, the question of the agricultural lands being taken will never come.

"I was rather surprised at the legal objections raised by my Friend Farookhi Sahib. My friend was waxing eloquent about the jurisdiction of the courts being ousted. I may tell him that there is nothing frightening about this law. There is no case of the jurisdiction of the courts being ousted. I say that section 17 contemplates a suit wherever a person is to be prosecuted for contravening the Order under this Act. The section says, 'No Court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary . . .'. So, it contemplates that a suit must be pending. Only the issue of an injunction against the Government is prohibited under this section. Supposing action is taken against a person who has large stocks of firewood. If an order of injunction is taken against the Government from taking possession of this firewood and distributing it to the various people who need it, it would not be desirable. The people will suffer. Hence the prohibition of injunctions being issued restraining the Government from controlling perishable articles, is only contemplated. If the courts are allowed to issue injunctions, it will serve no purpose at all. It is likely to destroy the essential articles which

18th November 1949] [Sri K. Madhava Menon]

are so urgently needed by the people. As will be seen, a suit is admitted under the Act and a party is entitled to have his right declared in the court. In certain cases, even compensation is contemplated for any damage that may be caused. So, there is no question of the jurisdiction of the courts being ousted at all."

JANAB ABDUL LATIF FAROOKHI :—"How does the Hon. Minister explain clause 12 (2) which says that the decision of the Provincial Government is final?"

* THE HON. SRI K. MADHAVA MENON :—"Sir, in small petty matters, where only Rs. 100 worth of articles are requisitioned and taken away from somebody, do you mean to say that there must be provision for appeal even to the Privy Council? We have provided in this clause for appeal to the Government against the order of the Collector. I think that should be sufficient."

JANAB ABDUL LATIF FAROOKHI :—"Certainly, the jurisdiction of the Court is ousted here."

* THE HON. SRI K. MADHAVA MENON :—"Sir, so much is talked of this jurisdiction of the courts. I may tell that the jurisdiction of the civil court is prohibited in every law. Take the case of the Limitation Act. A man executes a promissory note. After three years the note is barred. After that period, if a man files a claim in a court, can the court entertain the claim? The court will certainly have no jurisdiction to entertain this claim. Again take the case of the Transfer of Property Act. Here, a suit without notice is prohibited, even if you are otherwise entitled. If you do not give notice and file a suit for eviction, certainly, the court will not entertain the suit. Even if a suit is filed, the court will *suo motu* dismiss the suit saying that it has no jurisdiction. So in every respect, the jurisdiction of the civil court is limited. Hence I am unable to understand this suggestion that the sanctity of the jurisdiction of the civil courts is being affected.

"My hon. Friend Mr. Farookhi Sahib has been waxing eloquent on the question of burden of proof. I may say that there is nothing out of the way from the ordinary law in this case. Supposing a Police officer finds on the road a cart-load of firewood which has no permit. Certainly he has to charge the man who is taking the cart. He cannot go on enquiring and finding out whether that man has applied for the permit, or whether the man has been granted the permit whether he has kept it in his box at his house and all that. What he is concerned with is whether that man has the permit in his possession at the time he was caught by the Police officer. Certainly, the Government are not to prove this. It is for the man who has been taking the cart without a permit to prove that he is not at fault. There is nothing peculiar in this.

"Something has been said about clause 13 which provides for the punishment of the abettors. It is said that suppose a coolie is engaged in carrying a particular article without a permit, is he to be

[Sri K. Madhava Menon] [18th November 1949]

punished? I may state that it is not what is contemplated in this clause. It is intended only to punish those who are deliberately aiding or abetting in the contravention of any of the provisions in this Act. So there is nothing against the law.

"Sir, I admit that there are certain things which have been included in this Act, for using which there may not be any occasion. It is said that they might have been omitted. I would like to say that to safeguard against any emergency, it is very necessary that these things ought to be there."

THE HON. SRI J. L. P. ROCHE VICTORIA :—"Mr. Deputy Speaker, Sir, my hon. Friend, the Minister for Law has more or less dealt with all questions, all legal questions, with the help of the Leader of the Opposition (laughter). There is not much for me to say except the fact that there is no necessity for referring this Bill to a Select Committee. This question was also raised in the other House, which has dealt with this Bill and passed the Bill.

"It may be true to some extent that there is no immediate necessity for such a Bill. But, as pointed out by the Hon. Law Minister, there are certain items in the schedule. At any time it might be necessary for the Government to take powers under this Bill to control those articles. Even now after the introduction of the control of sugar, people are clamouring for the control of jaggery, the price of which is soaring so high in some districts, especially in the southern districts. The other day, in the other House, an hon. Member sought to bring an adjournment motion to discuss as to how to control the price of chillies, pepper, and other commodities. Sir, while there is demand for decontrol of all things on one side, there is also demand for control of some of these commodities on the other. Sir, it is only when people feel the scarcity and difficulty of getting these articles, they think of the benefits of controlling these articles.

"Some of the legal aspects of the provisions of this Bill raised by hon. Members were exhaustively dealt with by the Hon. the Law Minister. I would therefore, refer to one or two points which were not touched upon by him. Sir, it was said that the various measures adumbrated in the Bill under discussion were introduced during war time when conditions were . . ."

1 p.m. THE DEPUTY PRESIDENT :—"The clock strikes one. Since it is Friday today, will you be able to finish your speech within five minutes, or you will resume after lunch?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—"I shall finish my reply now, Sir. Some hon. Members said that such measures were quite necessary in the conditions existing then, i.e., during war time but now there was an improvement in the present conditions and so there was no need for a Bill like this. Sir, I would refer them to the present food situation in the country. If they will examine the food position, they will feel the necessity for such a

[18th November 1949] [Sri J. L. P. Roche Victoria]

measure and not only that, they will also realize that certain provisions contained in the Bill are quite warranted in the interests of the people at large. I would therefore request hon. Members to consider the Bill in its proper perspective and approve of the measure instead of referring it to a Joint Select Committee or a Select Committee."

JANAB ABDUL LATIF FAROOKHI :—"Sir, I would like to reply to several of the criticisms made just now, but today being Friday, I shall do it in the afternoon."

THE HON. SRI K. MADHAVA MENON :—"The Hon. the President has given a ruling that the mover of an amendment has no right of reply."

THE DEPUTY PRESIDENT :—"Yes, this is more or less an amendment . . ."

JANAB ABDUL LATIF FAROOKHI :—"I would reply to some of the points raised by the Hon. the Law Minister at the third reading of the Bill."

DR. V. K. JOHN :—"But the result is the same!" (Laughter.)

THE DEPUTY PRESIDENT :—"The motion before the House is—

'that under rule III (1) of the Madras Council Rules the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of fifteen members (five members from the Council and ten from the Assembly), to consider the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly'."

The motion was put and declared lost.

THE DEPUTY PRESIDENT :—"I now put the original motion to the vote of the House."

The original motion that—

'the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, be taken into consideration at once' was put and carried.

THE DEPUTY PRESIDENT :—"I adjourn the House to meet again at 3 p.m. today."

The House then adjourned for lunch.

(After lunch—3 p.m.)

MR. PRESIDENT :—"I will now put the various clauses to the vote of the House."

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 were separately put and carried.

The Schedule was put and carried.

Clause 1 was put and carried.
The Preamble was put and carried.

‘ that the Bill be passed into Law ’.”

SRI N. VENKATACHALAMAJI :—“ అధ్యక్ష, ప్రభువందారు ఆచార్యులలోనుంచిన ఈ కంప్లెక్స్‌వల్ల ప్రజలకు చాలా కష్టములు కలుగుచున్నవి. ఈ కంప్లెక్స్‌లు విధానములలో ఎక్కువ లోపము ఉండుటవల్ల ప్రజలు మరింత బాధపడుచున్నారు. ముఖ్యంగా వీర పక్షం ఎక్కువ ఇబ్బందులు పడుచున్నారు. ఈ కంప్లెక్స్‌ల వల్ల ధాన్యపు ధరలు చాలా పెరిగినయినవి. ఈ ధరలు ప్రజలకు, ముఖ్యంగా వీర వారికి అందుబాటులో లేకపోతే ఉండడమేకాక, చాలినంత బియ్యము దొరుకుటలేదు. రేషన్ షాపులలో ఇచ్చే కొద్దిపాటి బియ్యము విహితము చాలటంలేదు. అలాగే కాకుండ ఇచ్చే కొద్ది బియ్యము కూడ శుభ్రముగా నుడక మెరికలతోను, వడ్లతోను, పురుగుల, పుట్టిలతో నిండియుండును. వేరుకు మనిషికి ఎనిమిది ఔన్సులు ప్రకారము ఇవ్వడమే కాని అది శుభ్రముచేసినరకువాదం బి ఔన్సులకే దిగుచున్నది. ఈ ప్రకారము వారము రోజుల కిచ్చు బియ్యము రెండు రోజులకంటే ఎక్కువ కాలమునకు చాలదు.

“ ఇంక ధరల విషయంలో, ప్రభుత్వంవారు ఛాన్సం 2 నా 1 కి నియ్యమే
రూ. 17-8-0 ప్రకారము స్థిరమైనప్పటికీ, బస్సు ఒకటింటికీ రూ. 25-0-0 లేక
రూ. 26-0-0 ప్రకారము అమ్మకండుచున్నది.

“ ఈ కంట్రాల్స్ సక్రమంగా పనులుటకు ఎంతోమంది ఆసక్తిగ్ను నియమింపబడినారు. కాని వారివల్ల ఏ మాత్రము ప్రయోజనములేదు. వారు గతర్నమెంటును unpopular చేయటానికే ఉన్నట్లు వారు తోస్తున్నది. వారంతమంది ఉండికూడ ప్రజలకు సరిగా బియ్యము దొరకడలేదు. ఈ కంట్రాల్స్ విధానములో ప్రభుత్వం వారికి ఆరు సంవత్సరముల experience ఉన్నప్పటికూడా పరిస్థితులు ఏమాత్రము బాగుపడలేదు.

“ ఒక ఉదాహరణంగా నేను తెలుపుచున్నదేమంటే, ఈ సాంపులు బియ్యం నార్మ్ ప్రైజాగళట్టం బిల్లా లోనుంచి బియ్యం విజయనగరం చిగమతి అయి రేషను సాపులకు యివ్వగా, వారు బియ్యం బాగాలేదని చెప్పుకున్నా కూడ, బియ్యం బాగుందనే Firka Supply Officer సబ్సిడైజ్ చేసినాడు. ఇటువంటి విషయములలో క్రభుత్వంవారు సక్రియ ప్రవర్తనకొని అట్టి ఆఫీసర్లపైన action తీసుకొనడంపైందని కోరుచున్నాను.

“ పరువాత పంచదార distribution విషయములోను చాల అన్యాయము జరుగుచున్నది. ప్రతి ration cardకు అరవీశ పంచదార ఇస్తాడని ప్రజలకు నమ్మకము. కాని ఈ అరవీశ కూడ క్రజలకు సరిగా అందటంలేదు. Revenue Divisional Officer గారు గాని, తాస్టీదారు గారు గాని 150 బస్తాలు distribution చేయవలసిందని నమ్మించితే, దానిలో 30 బస్తాలు తాస్టీదారు వారికి కావలసిన వారికి personal permits ఇచ్చుటకుగాను కేటాయింపుచేస్తారు. కనుక మిగత 120 బస్తాలు మాత్రమే క్రజలకు distribution చేయవలసి యివ్వబడును. కొన్ని కొన్నింటిలో అరవీశ పొప్పన ఇచ్చుటకు చాలదు. అరవీశ పొప్పన అందరకూ ఇవ్వనప్పుడు, వర్తకుడు ఇవ్వలేదనుకొంటాడు.

గని గవర్న మెంటు సరిగా పంపకం యిచ్చలేదనుకొను. ఈ కష్టములన్నియు ఆ ఉద్యోగి
ప్రజలకు నే కలుగుచున్నవి. వారు ప్రజల దృష్టిలో ఈవాదిరిగా గవర్న మెంటును
వారి unpopular చేస్తున్నా గని అనక తప్పదు.

“ప్రజలు ఈ కంట్రోల్స్ వల్ల ఎన్ని ఇబ్బందులు పడుచున్నారో ప్రభుత్వం వారు గమించి, వాటిని తొలగించుట వారి విద్యుక్త ధర్మమై యున్నది. కనుక మన Food Minister గారు పరిశీలనను స్వయముగాచూచి, ప్రజలకు లేనిపోని కష్టములను కలుగ జేయుచున్న డిస్ట్రీబ్యుటర్లపై సత్తున action తీసుకొనుటేకాకుండా, మంచి బియ్యము సరఫరాధికారులకు ప్రజలందరికీ సరిగా distribute అగునట్లు చూడవలెనని మనవి చేయుచున్నాను. ఇట్లు చేసి, ప్లేటేనే క్రజలందరు సంతోషించుటకు వీలును. మరియు గవర్నమెంటువారు న్యాయము జరుపుచున్నారనిగూడ అనుకొనుటకు వీలును. లేకపోతే ప్రజలలో చాలా అసంతృప్తి ఏర్పడి గవర్నమెంటు ఇంకా ఎక్కువ unpopular అగును. ఇప్పుడు వచ్చిన తుపాను కష్టములచేత మాత్రం ప్రదేశములో నిల్వ సరుకులు లేయినవి. చాలినంత బియ్యము దొరకకుండా యున్నవి. బంధువులు, స్నేహితులనుంచి నాలుగు, అయిదు శేర్లు బియ్యం తెచ్చుకొన్నవారిని శిక్షించవలెదను. అట్లయిన, కంకా కూసుండిగాని, మరెక్కడనుండిగాని special wagonsలో కూర్చు తెప్పించి ప్రజలకు distribute చేయవలసిందని Food Minister గారిని కోరుతు ఇంతటితో విరమించుకొంటున్నాను.”

5, 6 సంవత్సరములనుంచి కంట్లాట్లు అమలు లోనున్నవి. ఈ కంట్లాట్లువల్ల ప్రజలకు వివిధమైన ఉపయోగాలు లేదు. ఈ 5, 6 సంవత్సరములనుంచి అహార ధాన్యముల పంటలను ఎక్కువ చేయటంకూడా ఇండియా ప్రభుత్వంవారు కాని, రాష్ట్ర ప్రభుత్వముల వారుగాని ఎటువంటి శ్రద్ధ పోనుకొనలేదు. దేశంలో అహార ధాన్యముల పంటలు వివిధంగాను అభివృద్ధి కాలేదు. అంతేకాకుండా ఈ కంట్లాట్లు పెట్టడంవల్ల రైతులు, ఇతర ప్రజలు అందరికూడ బాధపడుతున్నారు. ఈ కంట్లాట్లువల్ల ఎవరకూడ సుఖంగా లేరు. కంట్లాట్లు పెట్టినంత మూసించేత మనం ప్రజలకు కావలసినంత అహారధాన్యాలను సరఫరా చేయలేము. కంటలను అభివృద్ధి చేస్తేనేగాని ఈ కాటకం తగ్గదు. అప్పుడుగాని ప్రజల సుఖించరు. ఇప్పుడు మనము ఇతర దేశాలనుంచి అనేక శోట్ల రూపాయలు విజయనగరంవంటి అహారధాన్యాలను కొనుక్కోతున్నాము. మన దేశంలో పంట పంటలను అభివృద్ధి చేసుకొన్నట్లయితే ఈ విధంగా ధనము ఇతర దేశాలకు పంపే పంటలను అభివృద్ధి చేసుకొనడం ఉండదు. పంటలు అభివృద్ధి కావాలంటే పాలాకు దేశాలకు పంపవలసిన అవసరం ఉండదు. పంటలు అభివృద్ధి కావాలంటే పాలాకు ఎరువు వెన్నుకొలి కాబట్టి ప్రతి జిల్లాకు ఒక్కొక్క manure factory ని ప్రభుత్వము వారు కట్టించాలి. ఆ విధంగాచేసి రైతులకు సరసమైన ధరలకు ఎరువులు ఇచ్చినట్లయితే వారు కట్టించాలి. ఆ విధంగాచేసి రైతులకు అధికరపడవలసిన అవసరం ఏమూసము పంట హెచ్చుచేయవచ్చును. ఇతర దేశాలవై అధికరపడవలసిన అవసరం ఏమూసము ఉండదు. జపాను దేశంలో ఎకరానికి సగటున 12 బస్తాలు పండుతుంది. కాని మన దేశంలో సగటున 7, 8 బస్తాలకన్న హెచ్చు ఉండదు. మన దేశముకన్న జపాను దేశము చాలా చిన్నది. మన దేశంలో 30 కోట్లకు పైగా జనాభా ఉంటే, ఆ దేశంలో దేశము చాలా చిన్నది. కాని ఆ దేశంలో పంట సగటున 12 బస్తాలుంటే, 8 కోట్ల మందే ఉన్నాది. కాని ఆ దేశంలో పంట సగటున 7, 8 బస్తాలు మాత్రమే పండుతుంది."

Mr. PRESIDENT:—“మన భూములు అంత తక్కువ ఉండవున్నవా?”

[18th November 1949]

SRI A. GOPALAKRISHNAYYA:—“సగటున చూచితే 7, 8 బస్తాలే పండుతున్నట్లు తేలుతుంది. కొన్ని ప్రదేశాలలో అలాగా మా డెల్టా ప్రాంతాలలోను ఇతర నీటిసౌకర్యాలున్న చోట్ల ఎక్కడున్నా 20 బస్తాలుకూడ పండుతుంది. మన దక్షిణ భారతదేశంలో ఉన్న భూమిలో సగభాగము పీడుగానుండి పంటలు సరిగా పండటంలేదు. జనాభా పెరిగిపోతుంది. ఈ జనాభాకంతకు ఏ విధంగా సరిపోయినంత ఆహారధాన్యాన్ని పండించగలమో అనే విషయాన్ని ప్రభుత్వంవారు శ్రద్ధగా ఆలోచించాలి. మనకు ఆహారము ఎంత అవసరమో భూములకు ఎరువు అంత అవసరము. భూములకు ఎరువును సప్లయ్చేయించే విషయముగా ప్రభుత్వంవారు నిర్లక్ష్యం చేస్తున్నారు. ఇప్పుడే ప్రభుత్వంవారు ఆలస్యము చేయక ప్రతి డెల్టాకు ఒక్కొక్క manure factory ని పెట్టించినట్లయితే, 4, 5 సంవత్సరముల నాటికైనా రైతులకు కావలసిన ఎరువును మనము తయారుచేయించగలము. అందువలన పంటను ఆభివృద్ధి చేయడం వీలు అవుతుంది. ప్రభుత్వంవారి సహాయం లేకుండా ఏ రైతుకూడ ఎక్కువ ఆహార ధాన్యాన్ని పండించలేడు. ఆధికాహారోత్పత్తి చేయమని రైతులతో చెప్పినంతమాత్రము చేత పంటలు ఆభివృద్ధి కావు. అంతవరకు కంట్రోల్స్ బాధ దానివల్ల వచ్చే black-market బాధ తప్పేటట్లు కనిపించడంలేదు.

“ఈ కంట్రోల్స్ వల్ల భాగ్యవంతులకంత ఇబ్బందిలేదుగాని, పీదవాళ్లు సామాన్య ప్రజలు ఆపరిమితమైన బాధలు పడవలసి వస్తుంది. భాగ్యవంతులైనవారు నేరు రూపాయైనా రెండురూపాయలైనా కొనుక్కొనితినగలరు. పీదవాళ్లు మాడిపోతున్నారు. ప్రతిదేశంలోను పీదలను పోషించటానికిగాను ఆదేశములలోని ప్రభుత్వాలవారు employment provide చేస్తున్నారు. వారికి కావలసినంత ఆహార ధాన్యాని సరియైన ధరలకు అందేటటుగా చూస్తున్నారు. కాని మన దేశములో అమలులో ఉన్నట్లువంటి ఈ కంట్రోల్స్ పద్ధతులవల్ల భాగ్యవంతులైనవారు ఇంకా భాగ్యవంతులై పోతున్నారు. పీదవాళ్లు మరి పీదవాళ్లయి తిండికి, గుడ్లకు కరువై మాడిపోతున్నారు. మనకు స్వరాజ్యం వచ్చి చూడు సంవత్సరాలైంది. కాని ఇంతవరకు ఒక్కటైనా ఈ ఖర్చువైన పని ఎరుగలేదని నా నమ్మకము. జపాను దేశంలో స్త్రీలకు పురుషులకూడ స్కూలులైనవి వరకుకూడ compulsory గా ఉచితంగా చదువు చెప్పిస్తారు. మిల్లీలోను ఆఫీసులలోను, అనేక మంది స్త్రీలు పని చేస్తూయంటారు. కాని మన దేశంలో మగవారికే పనులు దొరకటంలేదు. ఇవి చాల విచారరమైన విషయం. ఆహార ధాన్యాలు సరిగా పండక పోవడచేత మనము ఇతర దేశాలనుంచి ఆహార ధాన్యాలను తెచ్చుకోవలసి వస్తుంది. మన డబ్బు ఇతర దేశాలకు ఒక నదిలా ప్రవహించిపోతుంది. ఇతర దేశాలలో పండ్లు మొదలైనవాటిని అద్దాల పెట్టెలలోకూడ పెంచగలగతున్నారు. కాని మన దేశంలో ఆహారము కోసంమే బాధపడుతున్నాము. ఇతర దేశాలవారు వారిదేశాలలో ప్రజలకు సయైన ఆహారాన్ని ఇప్పించడానికి ఎంతో కష్టపడుతుంటే మన ప్రభుత్వంవారు అటువంటి ప్రయత్నాలేమీ చేయడంలేదు. సగదా ఈ కంట్రోల్స్ ను పెట్టి అందరిని బాధిస్తున్నాడు. కంట్రోల్స్ వల్ల కాలము, blackmarket తగ్గుదు. కంట్రోల్స్ ను అవకాశంగా తీసుకొని ఉద్యోగస్తులు ప్రజలకు ఇబ్బంది పెడుతున్నారు. ప్రజలకు బియ్యం ప్రభుత్వమువారు స్వయంగా ఇప్పించటంలేదు. వారు ration ను కొంత మంది వర్తకులద్వారానే పంచి పెట్టిస్తున్నారు. ఈ వర్తకులు, వారి ఏజెంట్లు, ఆఫీసర్లు ఈ రేషనింగును సరిగా అమలు జరుపటం లేదు. లంచకొండెత్తడము పెరిగి పోయింది. ప్రజలకు జరుగుతుండే అన్యాయాలు చెప్పడంకూడా కష్టం. కాబట్టి ఈ కంట్రోల్స్ ఎంత త్వరగా తీసేస్తే అంత మంచిది. కంట్రోల్స్ తీసేస్తే కాని black-market తగ్గదు. అప్పుడుగాని ప్రజలకు భారాధంగా బియ్యం లభ్యంకావు.

18th November 1949] [Sri A. Gopalakrishnayya]

“మన ప్రభుత్వంవారు పునాదుతో ఇరువదికోట్ల స్వచ్ఛమగువారిని ఏమీందారీలను రద్దుచేస్తున్నారు. జమిందారీలను రద్దుచేసినంతమాత్రముచేత పంటలు ఆభివృద్ధి కావు. పంటలు ఎక్కువ కావాలంటే జిల్లాకు ఆధునికము ఒక్కొక్కటైన manure factory పెట్టించాలి. ఎరువులను సరిసమైన ధరలకు రైతులకు విక్రయించి అవసరమైతే compulsory గాకూడ రైతులు ఎరువును తమ భూములలో ఉపయోగించాలి అనే నిబంధనలొనైన పని చేసినట్లయితే పంటలు ఆభివృద్ధి అవతాయిని, మన దరిద్రము తీరుతుందని మనవి చేస్తున్నాను.”

* JANAB ABDUL LATIF FAROOKHI :—“ Mr. President, Sir, 3-15 p.m. when this morning I moved for a reference of this Bill to a joint select committee, the Hon. the Law Minister argued the case on behalf of the Government. As a good lawyer, he argued well, but he did not make out a case. It all depends on the party which engages the lawyer and the same case can be argued both ways by a lawyer. Being an able lawyer, the Hon. the Law Minister argued the case very well, but he has not convinced us on this side of the House of the necessity for this legislation.

“ Sir, clause 4 (3) says—

“(3) Where a notice of acquisition is served on the owner of the property or is published in the *Fort St. George Gazette* under sub-section (2), then, at the beginning of the day on which the notice is so served or published, the property shall vest absolutely in the Provincial Government free from all encumbrances and the period of requisition thereof shall end.”

Who is to pay the money for the encumbrances? It has not been made clear either in the Bill or in the speech of the Hon. Minister in charge of the Bill or in the speech of the Hon. the Law Minister. A man may have mortgaged his property and another man might have paid the money for the property with very good intentions not knowing that this property would be requisitioned. How is he to take back his money? That has not been answered at all.

“ Then Sir, the Hon. the Law Minister said that there is no ousting of the jurisdiction of the court. He pointed out the Limitation Act according to which after three years a pro-note is not valid. I do not know whether any lawyer will agree with him in this analogy between a pro-note becoming invalid after three years and preventing a person from appealing to the highest authority other than the Government after the District Collector or the District Magistrate has passed orders under this Act. It is clearly stated that after the District Collector or the Magistrate has made an order under this Act, no appeal shall lie except with the Provincial Government. I pointed out this morning that the District Collector or the District Magistrate is an officer who would look to the favours of the Government. There are not many instances where a District Magistrate has passed an order and the local Government have reversed that order. There may be one or two instances, but whenever a District Magistrate or a Collector passes an order and when the file comes to the higher authorities—the Secretary to the Government or the Minister—they simply endorse that order.

[Janab Abdul Latif Farookhi] [18th November 1949]

During the former days when we had Executive Councilors—people used to call them signing machines . . .

MR. PRESIDENT :—“ Putting dhoby marks, is it? ”

* JANAB ABDUL LATIF FAROOKHI :—“ Yes, Sir, dhoby marks are put on orders passed by the District Collectors. Are there many occasions where the orders of the District Collectors have been reversed by the Government? Such being the case, where is the remedy for the man against whom an order is passed by the District Collector, if the local Government also put their dhoby mark on it? Should he not have the opportunity of having his case examined by the highest judicial authority? I therefore submit, Sir, there is ousting of the jurisdiction of the court. The Hon. the Law Minister may think I am wrong, but legal experts outside will certainly agree that there is a bar against the affected persons going to a court. The Hon. the Law Minister being a very able lawyer has argued a bad case very well, but he has not convinced the people and he would not convince any court of law.”

MR. PRESIDENT :—“ At any rate he has convinced his own party.”

THE HON. SRI K. MADHAVA MENON :—“ I have convinced the Leader of the Opposition also.”

* JANAB ABDUL LATIF FAROOKHI :—“ If we read the speech of the hon. Member Mr. Ranga Reddi, we will find that all his arguments were in favour of amending certain clauses of the Bill and not completely in favour of the Bill. So, the Hon. Minister has not convinced even his own party, though the party-men have to abide by the discipline of the party. It is therefore better that the Government reconsider this question. The Hon. the Law Minister has himself confessed that most of the sections of the former Act which this Bill replaces were not put into operation and I do hope—it may not be hoping against hope—that the clauses of this Bill also will not be put into operation. The Bill will only be a sort of preventive measure calculated to do good and not harm to the people. My hon. Friend, the Leader of the Opposition, says it may not even be printed. But the Government have to go through all these formalities. I would request them to apply this Act sympathetically and not to place power in the hands of people who would abuse it. The Government should see that the officers do not go out of their way to put the clauses into operation. The Government should sympathetically view the cases.”

* SRI R. SURYANARAYANA RAO :—“ Mr. President, those of us who witnessed the performance of the Treasury Beanches this morning were convinced that they put up the poorest show that they ever did in this House. They had no arguments to support many of the clauses found in the Bill. I beg of them that in future

18th November 1949] [Sri R. Suryanarayana Rao]

when they bring forward Bills, instead of merely repeating or trying to re-enact Bills which were once enacted, they should go through each clause and find out if the necessity for the clause exists, and then only introduce it in the Bill. We have wasted a lot of the time of this House and of the other House. There are provisions for which no explanation can be given either by the Hon. Minister for Food or the Hon. the Law Minister. They simply took the 1946 Act of the Prakasam Ministry and reprinted it first as an ordinance and then as a Bill. Most of the provisions have not been put to any use and if they have not been put to any use, there will be no necessity to put it to any use hereafter. I therefore beg of them, in the other pieces of legislation which they are going to introduce, to go through the clauses and see if they are necessary. As the Hon. the Leader of the Opposition said, we know that controls are necessary and you may put two clauses in the Bill, one defining the essential articles and the other a schedule, and you may go on adding to the schedule. So long as controls exist, the Government must possess the powers necessary to enforce control. But there are other features in the Bill which are out of place, unnecessary and uncalled for. I make this suggestion more as a friend of the Government and in the interests of the time and energy spent in this House as well as in the other House, that the Government should go through the piece of legislation before it is introduced and bring it here only when it is necessary. We are prepared to support the Government in enforcing controls and give them the powers that are necessary to enforce the controls, but there are many features in the Bill which even my Hon. Friend the Minister for Law could not defend this morning.”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Mr. President, Sir, I need only refer to one or two points which have been mentioned in the course of the discussion. With regard to the complaint made by my hon. Friend from Visakhapatnam about rice, it is true that as a result of controls we have to stock and distribute it in so many different and distant places where godown accommodation and other storing facilities may not be up to the standard. When such complaints arise, it is much better that the people draw the attention of the local authorities. In some cases where they do not pay any attention the matter has been brought to the notice of the Government and we have rectified so many cases. I may assure the hon. Member that necessary enquiries will be made in the matter.

“ Regarding manure, my hon. Friend mentioned that manure is the most important thing in the drive for more food. He has suggested that the manufacture of manure should be started almost in every district. I am not an expert on manures, but I would only mention that one of the experts who visited this Province has suggested that much has to be done even with the existing facilities for getting manure like farm manure, green manure and prevention of soil erosion. These things will help more than mere

[Sri J. L. P. Roche Victoria] [18th November 1949]

chemical manures which, as we have been cautioned before must be used cautiously along with other manures.

3-30
p.m.

" With regard to the other point mentioned by my hon. Friend Mr. Farookhi, I wonder why he has taken objection to the particular clause which he also mentioned in the morning and which was answered by my hon. Friend the Law Minister, viz., that an appeal from the Collector's orders to the Government was defective. As was explained, there may be some small matters in which a person may feel aggrieved by a Collector's order; but this gives him all the facilities to go up to the Government directly instead of going to a court of law and rectifying matters. As far as he is concerned, it will be a much easier procedure, rather than filing a complaint in a court of law. That explains why that clause is there, and I may assure the hon. Member that there are not many cases like this which have come to our notice before.

" As regards the other criticism that this Bill is merely a copy of the old Act and that we have not sufficiently gone into the matter, as I said this morning, though there is nothing new in it, these provisions are necessary as far as we can see. The very fact that many of the provisions have not been enforced does not take away the importance of the clauses, because as I said in the morning, conditions have not improved very much since those war-days; conditions have even deteriorated.

" With these words, Sir, I request that the Bill may be now passed into law."

MR. PRESIDENT:—" The question is that the Bill to provide for the continuance during a limited period of powers to control the production, supply, distribution, transport and prices of essential articles and trade and commerce therein and requisitioning of property, L.A. Bill No. 25 of 1949, as passed by the Assembly, be passed into law."

The motion was put and carried and the Bill was passed into law.

GOVERNMENT MOTION.

IV.—DRAFT RULES UNDER THE MADRAS ESTATES (ABOLITION
AND CONVERSION INTO RYOTWARI) ACT, 1948.

- * THE HON. SRI H. SITARAMA REDDI:—" Sir, I move—
' that the following draft^a of the rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 40 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, be taken into consideration.'

" Sir, the rules have already been circulated to the Members of this House.

^a Printed as Appendix III on pages 526-527 infra.

18th November 1949] [Sri H. Sitarama Reddi]

" The Government had given an assurance to the Council when the Abolition Bill was under discussion in November 1948, that the rules under section 40 would be brought before the Legislative Council by a special motion. The Act as it stands provides that the rules shall be subject to the approval of the Provincial Legislative Assembly. The Government are also considering the question amending section 40 (2) of the Act so as to enable the rules to be made subject to the approval of the Provincial Legislative Council also in future.

" The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, received the assent of His Excellency the Governor-General on 2nd April 1949 and became law on 19th April 1949 being published in the *Fort. St. George Gazette*. Under the Act, the estates notified will be surveyed and settled on ryotwari principles and the gross annual demand will be determined in accordance with the provisions of the Act. The basic annual sum for each estate will be determined under section 39 of the Act and the compensation payable under section 37 of the Act will also be determined at that time. In respect of inam estates or parts thereof which were held immediately before the notified date by any religious, educational or charitable institution, the Government will pay to the institution every year as 'tasdik' allowance, the basic annual sum in respect of that estate and will, in addition, make good any diminution in income.

" Section 40 (1) of the Act lays down that the Compensation payable to any person under the Act may be paid in such form and manner, time or times, and in one or more instalments as may be prescribed by the rules made by the Government.

" The Government have decided that the compensation should be paid in cash for all estates. The rules under discussion give the details.

" The Government have also decided to allow interest at 3 per cent per annum on the portion of the compensation still remaining to be paid on the date of payment of the first instalment. The sums payable to religious and educational institutions under section 38 will be paid by deduction from the beriz of the village concerned."

MR. PRESIDENT:—" These rules are for mere discussion; there is no special motion. is it not? "

THE HON. SRI H. SITARAMA REDDI:—" Yes."

* DR. V. K. JOHN:—" Mr. President, Sir, I must compliment the Government on their discretion in bringing this matter to the Council for discussion. When clause 40 of the Bill was discussed, we thought it was derogatory to the Council that the Council's approval should not be sought but the approval of the Assembly only should be sought, and we took this matter so

[Dr. V. K. John] [18th November 1949]

seriously that, if I remember aright, we stopped further discussion on the Bill; that was because we thought the dignity of the House was affected. Then an assurance was given by the Government that the matter would be discussed in this House, and I am glad the Government have acted up to it and have brought the rules before this House.

“On the merits of these draft rules, I have only to make two suggestions. Section 40 says:—

“(1) The compensation payable to any person under this Act and the sums payable to any religious, educational or charitable institution under section 38, sub-sections (1) and (2), may be paid in such form and manner, and at such time or times, and in one or more instalments, as may be prescribed by rules made by the Government.”

During the discussion last year of the Bill which was passed into law, it was stated that the Government would have to pay out of public revenues about Rs. 17½ crores to the zamindars for taking over the zamindaris. The rules provide that sums over Rs. 50,000 should be paid in equal annual instalments, not exceeding five in number. First, we would have to consider our ability to pay; if we have to pay these Rs. 17½ crores in five years”

MR. PRESIDENT:—“I think it is Rs. 12½ crores.”

* DR. V. K. JOHN:—“At that time it was Rs. 17½ crores; it may now be Rs. 12½ crores. Anyway, we will have to pay a little less than Rs. 3 crores every year as annual instalment. I wonder whether we have the money for it. The zamindars should not be kept out of the money; it may be, if possible, paid to them in cash. Even if the whole compensation is not paid to him, what has been decided to be paid, must be paid immediately in cash, and the best way of paying is for the Government to issue bonds providing for payment in the course of five or ten years—we might even fix ten or fifteen years—the bond may bear interest at more than 3 per cent. We need not hurry to pay in five years. The bond may be made transferable—it may be a promissory note or it may be a bond—only it must be transferable. I am not quite sure whether 3 per cent is a fair rate—it may or may not be—but it may be better to put it at 3½ or 4 per cent. These bonds should be cashable; and Government should not be asked to pay the money except when the payments fall due. At the same time, the zamindar will get cash immediately if he sells the bond in the market. So, we achieve two objects in providing payment by bonds in instalments, with interest. The zamindar gets cash because these bonds are cashable and we do not pay the amounts except when they fall due under the bond, i.e., on the date of payment fixed in the bonds. I do not think we can pay even Rs. 2 crores every year, because we have the food production campaign and a hundred other schemes for which money is required. I therefore suggest that we can provide for payment in the course of 15 or even 20 years; and if the bonds carry 3 or 4 per cent interest, the zamindars will be quite happy and they will take the

18th November 1949] [Dr. V. K. John]

interest only. If my suggestion is accepted, we will be gaining two points. As I said, we have not the ability to pay even Rs. 2 crores every year as viewed from the Budget proposals. The public and the Government will both be benefited by this arrangement and the zamindars also will be benefited. If you want to pay the zamindar cash in five years, then he will not be able to realize the money to-day; but if we give him a bond, he might be able to sell the bond and get cash.

“Another point for which I want your leave to say in one minute is this:

This legislation might have benefited the Government in getting more taxes, but it must also have benefited a large number of tenants. Nobody can deny that when zamindaris are abolished, the tenants are not benefited. The U.P. Government are considering the question of collecting at least ten years' rent from the tenants who are benefited. They might have benefited to the extent of 20 years' rent—the capitalized value of 20 years' rent. Those who have benefited may be intermediaries or may be cultivating tenants. I am not now pleading for enabling the cultivating tenants to become owners of the land they are now cultivating by making annuity payments; but my suggestion is, we can have legislation by which we collect from the tenants a portion of the extent of the benefit conferred upon them. It may be that a tenant is benefited to the extent of Rs. 10,000 capitalized value by the abolition of the zamindari and its conversion into ryotwari; let us collect from him Rs. 5,000 and that too in instalments; and let the instalments coincide with the instalments which have to be paid to the zamindars in bonds, so that the money required for payment to the zamindars may be found from the money collected from the tenants. In that case, we need not pay amounts to the zamindars from the public revenues; because if they are to be paid from the public revenues, you and I and everybody else will have to contribute towards such payments, while we are not benefited. The zamindars have of course to be paid, and so I say, let those who are benefited by this legislation be asked to pay, not exactly the net capitalized value of the rent they had to pay but a portion of it, as I said, or very much less. I think we should be able to collect these Rs. 12½ crores or whatever it be, from those tenants of the zamindars who have now been benefited, who have been promoted from the position of tenants to that of ryotwari holders.

“Why should we be paying out of the public revenue a huge sum which we can ill-afford to pay at this time? My suggestion is: ‘Let us give bonds and date them at ten or fifteen years; let them carry a fair rate of interest; let us make a calculation how much the tenants will be benefited and let them bear a portion of the amount by which they are benefited.’ I do not ask that they should pay the entire amount by which they are benefited and let them pay in instalments so that the date of discharge of the bonds may synchronize with the last payment of annuity on the part of the tenant. By this method, we would not have paid anything

3-45
p.m.

502 DRAFT RULES UNDER THE MADRAS ESTATES (ABOLITION
AND CONVERSION INTO RYOTWARI) ACT, 1948

[Dr. V. K. John] [18th November 1949]

from the public revenues and there will be no burden on the taxpayer. Further, what we are doing is just and reasonable. I do not see why people who have not been benefited by the conversion of zamin areas into ryotwari areas, should be asked to bear the burden of 12 or 17 crores of rupees. As for the rate of interest of the bonds, it must be more than three per cent and they should be transferable into money immediately, should the bond-holder require money. If he can wait, he can get his money after ten or fifteen years. By this arrangement, we shall not be hard-up for finding the money all at once. I suppose the Government will consider my suggestions and bring forward amendments or bring them by means of rules and regulations."

MR. PRESIDENT :—" The Bill of course says that the Government shall pay the amount; but in fact the Government may not be actually paying as they would be getting income from the estate taken over by them and what is being paid by the erstwhile tenants of the zamindars can be taken in discharge of the amount proposed to be paid for the abolition of zamindaris."

DR. V. K. JOHN :—" The Government, Sir, are bound to pay the amount under the Act and the zamindars should be paid."

MR. PRESIDENT :—" But if you analyse the position, is it not plain that they are paying it out of the income from these estates? Every ryot who is benefited is paying rent and there can be no grouse about people who are not benefited being asked to share the burden."

DR. V. K. JOHN :—" Supposing I am a tenant and I am not benefited, I should not be asked to pay anything."

MR. PRESIDENT :—" But the thing is you are not paying."

* DR. V. K. JOHN :—" The real truth is, when the zamindaris are converted into ryotwari holdings, a very large number of holders of these new ryotwari holdings are benefited to a very large extent, because the rent they were paying would be many times the assessment they would now be called upon to pay after the abolition of zamindaris. So, they are benefited and if they are benefited, it is only just and fair that they should pay. In United Provinces, Sir, where similar conditions arose, the tenants were asked to pay for the advantage that accrued to them on account of the abolition of the zamindaris."

MR. PRESIDENT :—" We know all that. What I wish to point out to the Leader of the Opposition is that if anybody is paying it is the ryot in the zamindari area. When the Government notify an estate and take it over, there is bound to be some income and the amount that the Government will be paying, namely 12½ crores—it is not a huge sum after all—can be met from the net income of at least Rs. 50 lakhs from these estates; that is,

18th November 1949] [Mr. President]

it could be met from what they pay and the other ryots who are not benefited under this Act are not called upon to pay this."

DR. V. K. JOHN :—" I am not saying that anybody who is not benefited is being asked to pay."

MR. PRESIDENT :—" The ryot who is benefited is paying a certain amount to the Government which the Government is not entitled to get now. The Government has been getting about 19 lakhs by way of peishkash and over and above that, they would be getting another Rs. 50 lakhs at least. Could not this be set apart for discharging this obligation? In that view it is only the man who is benefited who is paying."

* DR. V. K. JOHN :—" During the course of the discussion of the Bill, it was found that the Government might be benefited to the extent of Rs. 50 lakhs and what about collection charges of the Government?"

MR. PRESIDENT :—" That is the net amount, I believe."

* DR. V. K. JOHN :—" That is a matter for calculation, Sir. Even if the benefit is 12 crores, I do not say that they should pay the entire amount. I am only discussing the principles. Let them pay five crores. Let us find out if any tenant is benefited or only the Government are benefited. If the Government alone are benefited, we shall not ask anybody to pay us anything for this. But if the tenants are benefited, I certainly feel, Sir, that they must pay a portion of the benefit that they have got—I do not want that he should pay it to the full. For instance, the U.P. Government said that if any one was benefited, it was only fair that they should be asked to pay ten years' rent in instalments. I think every other Government will do that."

MR. PRESIDENT :—" From my point of view, if you ask the tenant in Madras to pay for this, it is only adding insult to injury; he has been paying ten, twelve or twenty times what his next door neighbour in the ryotwari area had been paying and he had been paying like this for centuries. If by an Act of state the Government are trying to set right this injustice under which he has been groaning for centuries, would it be right to ask him to pay more?"

* DR. V. K. JOHN :—" From one point of view, there had been a good deal of injustice from the year 1802. But under the law, they were the tenants and the zamindars were the landlords. That is the decision of the Courts of law. It is another matter to say that the law should be ignored and the decisions of Courts should be ignored. On that footing, now that they need not pay so much in future, they get a benefit. The other point of view is that the tenants were paying something which they should not have paid and the Government are correcting the injustice. This

[Dr. V. K. John] [18th November 1949]

issue is not one between the zamindar and the tenant but between the people who have been benefited and the Government representing all the people of the province. Are we to pay this from public revenues? I can understand if the issue is between the zamindar and the tenants but it is not. It is one between those who are benefited and the whole population of the province who contribute to the public revenues."

MR. PRESIDENT:—"The issue is not between the zamindar and the ryot but between the Government on the one hand and the ryot on the other. My point is that the zamindars were not responsible for this; it is only the Government of the day who are responsible and this Government are correcting the mistake of previous Governments and they are doing the right thing."

* DR. V. K. JOHN:—"Let us go a step further and make an estimate as to how much they have paid and re-pay them. But the truth is that the tenants' interests have changed hands so many times since 1802."

MR. PRESIDENT:—"As I told you, this is not going to affect the voting in the House. I am a member of the House, and am entitled to place what I feel in this matter before the House. It is in that view that I am voicing my opinion and the Government need not be swayed by it nor need you be under the impression that you must canvass support for all that I have raised. The Government will certainly do what they think right having regard to the circumstances of the case."

* DR. V. K. JOHN:—"The tenants in 1802 may not be the tenants in 1948 when we propose this Bill as it must have changed hands many times. People knew what they were buying and you cannot say that an injustice has been done to them. It is another matter if the lands were held by one family since 1802. Are you going to benefit that man who knew what he was purchasing when he purchased the tenant's right in 1947 after paying a year's rent? It will be just if we make an investigation of how much of lands changed hands."

MR. PRESIDENT:—"If you are going to make an investigation in that manner, all our life would not be enough for it. There are about 4,000 estates and it can be imagined how many years it will take to complete the investigation."

* DR. V. K. JOHN:—"Are you going to give benefit to a person who purchased a tenant's right in 1947 and recompense him for all the sufferings undergone by his predecessors-in-title from 1802. Let the benefit be conferred on the people who have suffered; but I think, Sir, it is unfair to say that the man who has recently purchased the tenant's right must be benefited to the tune of 12½ crores of rupees."

18th November 1949]

MR. PRESIDENT:—"Even on your premises, what does it matter? You are not paying for the man who is benefited. The man is paying a particular amount of rent to the Government and that amount is being utilized by the Government for discharging the obligation they have taken upon themselves under the Act. I do not see how you are affected."

* DR. V. K. JOHN:—"We must make a clean calculation of the extent to which the Government are benefited. But I must ask, Sir: If some stranger who came on the land two years ago, is to be benefited to the extent of thousands of rupees, which he never anticipated at the time he purchased, why, Sir, should he be not asked to pay for the benefit? Why should not the example of the U.P. Government be followed by this Government?"

MR. PRESIDENT:—"In my opinion what the United Provinces Government has done is also wrong. Probably it is as an expediency, the amount of compensation being huge,—to the tune of 120 crores—and they had no other means of raising such a huge amount and it could be only justified on that ground. It may be wrong but they have been forced to do so."

* DR. V. K. JOHN:—"There should not be any confusion in regard to the principles underlying the benefit. Somebody has suffered from 1802 and for that we are benefiting somebody else. And it is for that only I suggested that there should be an investigation into the question and a decision as to the actual number of families who have actually suffered from 1802 on account of heavy payment of rents to the zamindars. By all means let us confer the benefit upon them."

SRI M. NARAYANA RAO:—"My hon. Friend is confusing the issue. The question is the elimination of the intermediaries over those actually engaged in agriculture. In that process, if the Government are paying compensation to the zamindars, it is not for nothing; they get an income from the estates taken over by them."

* DR. V. K. JOHN:—"Why should we benefit the person who knows what he has purchased and make a gift to him when he did not even dream of it. It comes to him as a windfall and he will not grudge it. I am not asking that he should be asked to pay in full but only a portion. The Government may make a calculation how much they have spent and what their return is and how much will be the share of the beneficiary. Apart from these people, let the Government understand that there are also other tax-payers who look to Government for the education of their children, and for such other things which are the normal and legitimate functions of the Government. Whenever we ask for hospitals and take it to the notice of the Government that the bed strength of existing hospitals should be increased and there should be more hospitals and better and up-to-date treatment in regard to cancer and tuberculosis and other diseases, the answer comes

[Dr. V. K. John]

[18th November 1949]

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18th November 1949]

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[Dr. V. K. John] [18th November 1949]

from the Government—There is no money. When we ask why so many students have not been admitted into colleges, again the Government say: No funds. We appreciate the difficulties of the Government and therefore, I am making my suggestions for the consideration of the Government. Let us not make a clean gift to these people by means of expropriation of the zamindars—I deliberately call it expropriation—let us not make a gift to the value of 12 crores of rupees out of the public revenues which amount could be utilized for providing irrigation facilities, for education, for provision of more hospitals and for making the country free from disease and for embarking upon other nation building activities. You must have a sense of perspective and you must see if this is the proper thing to do. I ask the Hon. the Revenue Minister to consider whether those who have been actually benefited should not be asked to pay a portion of the benefit accruing to them. When we take upon ourselves the obligation to pay the zamindars, let us ask the people benefited to pay a portion and let the zamindars for their part either have ready money or have it in the shape of bonds which are to be redeemed at the end of ten or fifteen years and carry a rate of interest, say, above 3 per cent and let it be transferable and marketable. Let us be fair in our transactions both with the zamindar and the people who contribute to the public revenues and they should not be asked to foot the bill for a benefit which some other people get.”

4 p.m. * SRI B. BHIMA RAO :—“ Mr. President, Sir, may I make a few suggestions in respect of this matter. I was also feeling like my friend, Dr. V. K. John in regard to this matter. So I sent in an interpellation, which, you, Sir, have chosen to put in as an unstarred question. In that I wanted information about the peishkash which the zamindars were giving, the amount of compensation that would be paid to them, and what part of it would be got from the tenants after conversion of the estates into ryotwari tenure. I also put a question asking the Government what part of the compensation the Government are going to collect from those who are benefited by this zamindari abolition enactment. The question has been answered yesterday. In it I find there is no information about the collecting of any amount from the tenants. Sir, there is more than one who feels like Dr. John in this matter; and may I suggest when tenants in the United Provinces are ready to come forward to pay their quota of compensation of their own accord, because they are getting the lands absolutely, I think, the conditions being similar in our province, I do not see why the tenants here, in our province should not be asked to contribute a portion of this compensation amount. Let Government issue a communique saying that they are getting so much revenue after conversion of zamin areas into ryotwari areas. But they decline to give that information. They only put up an excuse saying that the settlement operation are still in progress and the inquiry is not completed. I think last time when that question was put—I think I put that question last year—their reply

18th November 1949] [Sri B. Bhima Rao]

was that the information is not available, because the work has not been commenced. A year after when I put the question why the tenants should not be asked to bear a portion of compensation amount, the reply is that the conditions in Madras are different from those in United Province and so the tenants could not be asked to pay a portion of the compensation. Let Government make an investigation and let them say what they are getting in and paying out of public exchequer. I think it is only fair to so amend the rules of compensation so as to get 12½ crores from the tenants who are to be benefited by this enactment.”

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, it would be very useful and helpful to hon. Members of this House if the Government had given us an idea of what peishkash they are getting from the zamindars now.”

THE HON. SRI K. MADHAVA MENON :—“ It has been given.”

* SRI R. SURYANARAYANA RAO :—“ Sir, my information is Government are not getting any peishkash at all. Would they tell that. I have put a long question on this point and it is to be answered on the 21st instant. Sir, my fear is, neither the peishkash of 40 or 45 lakhs nor the land revenue the Government would get after the conversion of the estates into ryotwari lands would be sufficient to pay the huge compensation. I quite realize the feelings expressed on behalf of tenants. The Leader of the Opposition pointed out cases where people have come into possession of land recently, and they are non-cultivating landlords. Are they to be benefited at the expense of the general tax-payer. That is a very pertinent question which the Leader of the Opposition raised. Further Sir, Government have no records to show what percentage—even the Hon. Mr. Kala Venkata Rao could not say when the Bill was on the anvil—of the ryots to be benefited by this measure will be actual cultivators? Have the Government any figures to show that? If there are such cultivators let them be benefited at least and let them make the Grow More Food Campaign a success.

“ Sir, one of the arguments given against the tenants being asked to pay a portion of compensation is that they have been rack-rented. I have read a Press interview given by the Hon. Finance Minister, in which he says, it would be cruel to ask them to pay any such sum. I ask, who is the beneficiary in this business? It is the zamindar. Then, why give compensation to zamindars, who have rack-rented the tenants. Knowing this, still you are forced to give them compensation on grounds of equity, justice and all kinds of virtues which you wish to show and tell the public that you are generous towards those whom you are going to oust from the possession of land. Why should then the general tax-payer pay these zamindars who have rack-rented. It is unfair to pay them any such sum. Sir, I am one of those who said that no compensation should be paid to zamindars.

[Sri R. Suryanarayana Rao] [18th November 1949]

"Then, Sir, the Hon. Minister for Land Revenue said that Government have decided to pay compensation in cash. I think, Sir, that is one of the most unfortunate decisions this Government have come to. They do not seem to have any idea of public finance. If this large amount is placed in the hands of the zamindars, just consider, what is the effect on inflation. Will not prices soar high? While the Government of India on the one hand ask people to spend less and save more—that was the slogan of Sirdar Vallabhai Patel—our Government are placing in the hands of zamindars large sums of money for them to do as they like. Give them bearer bonds. Give them fixed deposit receipts to be repayable after a particular period, after the period of inflation disappears, so that the state may not have immediately to pay a large amount. I have sent this suggestion to the Hon. Revenue Minister. If Government are going to place in the hands of zamindars large sums by way of compensation, the Government of India's fight against inflation will be nullified by the action of this Government. I am sure, the Government of India, if they had been approached for advice, would never consent this Government to lay their hands on the revenue reserve for the purpose of giving this compensation. Then, Sir, where will this Government get this amount from? Is it from the ordinary revenue of the province? Is it possible, for we are already running into deficit? The only course open to them is to lay their hands on the revenue reserve. We have warned them against doing it, and they dare not do it. The Government of India have warned this Government about this, and I read an extract from the Capital, that such a communication had been received by this Government at that time warning them that they should not touch the Revenue Reserve Fund. Then, Sir, why all these rules and regulations? It would be better some provision is made for the maintenance of the zamindars. It may be easy to do this instead of paying cash. I repeat, do not place large sums of money in the hands of zamindars. The evil effects of that on the country will be terrible and disastrous. I do not want the zamindars should be left in the lurch. By all means make provision for their maintenance; enable them to live and that decently. Only we do not want Government to place large amounts in their hands and invite ruin on this province. If the Andhra Province becomes a fact, let the Andhra Province be guilty of this. (Laughter.) (Dr. V. K. John: 'Hear, hear.') Let us not be parties to it. Let not the Madras Legislature be guilty of this because the good of the common man will be greatly affected by inflation and rise in prices."

MR. PRESIDENT:—"I may point out to you that payment of 50 per cent of the amount is not provided for in the rules."

* SRI R. SURYANARAYANA RAO:—"Sir, let it be made in instalments, two instalments, three instalments or four. Let the instalments be in small amounts of two thousand or three thousand rupees, and not in ten thousand or twelve thousand rupees, which would affect prices. I would like Government to consider this aspect of the matter."

18th November 1949] [Sri R. Suryanarayana Rao]

"We take this opportunity to warn the Government that they should be very careful in arriving at such a decision and implementing it. The basic annual sum of every estate has yet to be fixed by the Director of Settlements. Even before the survey takes place and the Director of Settlements arrives at the basic annual sum under section 27, the Government want to pay some amount as compensation immediately. It is on that point that I am emphasizing. We would like the Government to adopt the suggestion made by the Leader of the Opposition that, as cash payments may not be desirable in most cases, bonds may be issued instead. The Government should reconsider and revise their decision to make payment in cash. Cash payment will be disastrous to the whole of Madras Province, whether it is the present Madras Province or the future Andhra or Tamil Province.

4-15
p.m.

"Where is the money for paying compensation to come from, unless more taxes are imposed? The Sales Tax has already been imposed and it is being collected at all stages and that too at a fairly heavy rate. The Hon. Finance Minister said that it was not paid by the ordinary men. I wonder who else is paying it. Most of us here are ordinary men and it is we who are paying the tax. Whenever we purchase anything including rice, we pay the tax.

"Considering the position of this province and the undesirability of laying our hands on the Revenue Reserve Fund which is meant for developmental purposes and the effect of the release of such a large amount in cash on inflation and the consequent increase in prices, I beg of this Government to go slow in giving effect to these rules."

SRI M. NARAYANA RAO:—"Mr. President, Sir, I am not able to understand the argument that the tenant, who is benefited by the Zamindari Abolition Act, should be made to pay for the compensation. He has been paying very high rents for a very long time. By reducing the rents to the level of the land-tax in ryotwari areas, we are not conferring any benefit on him but we are only doing him bare justice. Under the Madras Agriculturists Debt Relief Act, we are not asking the agriculturist-debtor to pay for the benefit he derives from that Act. Similarly the tenant should not be asked to pay for the compensation. Hitherto the zamindar had been collecting rents. Now the Government have acquired the right of the zamindar and are going to collect the tax. If the tenant is to pay for the compensation, why should he pay the tax to the Government? He could as well pay the compensation direct to the zamindar. It is most unfair to ask the tenant to pay for the compensation. I do not know how such an able lawyer as the Leader of the Opposition failed to view the question from this standpoint.

"The whole compensation is not likely to be paid in the near future. Perhaps the Government of the Andhra Province will have to deal with the question. I do not think that the Madras Government have got the necessary funds now for paying the entire compensation. I would request the Government to pay at least a portion of the compensation when they enter an estate. Some

510 DRAFT RULES UNDER THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) ACT, 1948

[Sri M. Narayana Rao] [18th November 1949]

of the proprietors have got debts to discharge, and some others have no other means to fall back upon except their estates. It is but just and fair that a portion of the compensation is paid immediately after they take possession of an estate pending settlement of the basic annual sum for which an elaborate process has to be gone through. When a private person purchases a property, he has to pay the full value before he can take possession of it. Since the Government are taking possession of the estates, it is only fair that they pay at least a portion of the compensation."

* SRI N. RANGA REDDI :—" Sir, after hearing the eloquent speech of the hon. Leader of the Opposition, I would like to reply to some of the criticisms levelled against the policy of the Government with regard to the payment of compensation. The main point urged by him seems to be that the tenant, who benefits by the present legislation, should be asked to pay whatever amount the Government will have to pay by way of compensation. As a Member of the Joint Select Committee which considered the Bill, I sat through all the sittings of the Select Committee for a number of days and I have learnt one important thing. Under the present legislation, the tenant does not get more benefit than what he was getting previously. I would like to clarify my point. Under the Madras Estates Land Act, 1903, the tenant had the right to lease, sell and make a gift of his land. Only he had to pay the rent that he was paying previously. If a zamindar wanted to enhance the rent, he could not enhance the rent straightway like an autocratic ruler. He had to go before a Deputy Collector, advance some reasons like the provision of some new irrigation facilities or the effecting of some other improvements, and let in evidence in support of them. Therefore the Government wanted to prevent the zamindar from further increasing the rent demanded of the tenant. It is the duty of the Government to pay for and acquire whatever rights the zamindar has with regard to his lands. Therefore I have been urging from the very beginning that, so far as compensation is concerned, the tenant should not be made to pay for it. Who else should pay for it is a matter which concerns the Government. Both the Leader of the Opposition and Sri R. Suryanarayana Rao urged that the tenant is benefited and that therefore he should be asked to pay the compensation. That is the kind of argument which I would like to deprecate in this House. It cannot be said that if the tenants in the Madras district are benefited, they ought to be made to pay the compensation. Whatever is good and conducive to the welfare of the peasant should be treated as a charge on the general revenues of the Province, and the whole Province should be treated as one unit for that purpose. Suppose there is cholera, plague or smallpox in certain districts. The Government spend money in taking preventive steps in those districts from the that disease also contribute. While discussing the cyclone havoc in the Circar districts the other day, the Leader of the Opposition said as such. I ask whether the same sentiment does not appeal to him in this case. His argument seems to be : " The tenant has suffered

18th November 1949] [Sri N. Ranga Reddi]

an injustice. But we are not going to redress that injustice." Why should a tenant in a zamindari area pay much more tax than a tenant in a ryotwari area? I suppose he realizes the difference between a rate and a tax. So far as tax is concerned, no service is given by the Government. It is only the rate that is paid for any services rendered. If a Municipality gives electric connection to my house, I pay a rate for the service they do. That is not so in the case of tax. The tax is paid to the Government by the tenant irrespective of whether he gets any benefit or not. I submit that compensation should not be treated as a rate with reference to the tenant and as a thing with which one part of the Province has no concern. It concerns the whole Province. If the tax is reduced, the tenant will be happy and prosperous, put his land to better use, and to that extent he will be bringing prosperity to the whole Province. I submit that this sort of division into compartments should not be resorted to in dealing with problems of this nature.

" Inflation is a very big matter with which I would not like to trouble myself but would rather leave it to the Government."

SRI T. PURUSHOTHAM :—" అధ్యక్ష, ప్రతిపక్ష నాయకులు జమీందారీ 4-30 P.M.

విధ్వంసం చేయడంపై జమీందారులకు నష్ట పోవడం ఇచ్చటకుగాను ప్రభుత్వమువారు ప్రతిపాదించిన Draft Rules కై విమర్శించుచూ జమీందారుల కివ్వవలసిన నష్ట పరిహార మొత్తమును జమీందారీ రైతులవద్దనుంచే రాబట్టవలసినదని వాదించి యున్నారు. వారి వాదన నాకు చాలా ఆశ్చర్యమును కలుగజేయుచున్నది. ప్రభుత్వమువారు తలపెట్టిన ప్రతి బిల్లును ప్రతిపక్షనాయకుడు విమర్శించుచూ, ప్రజల హక్కులను కాపాడుట తమ విధియని, ప్రజా సామాన్యముయొక్క రక్షణకై తాము వాడుకడు చూస్తామని, ప్రజలయొక్క హక్కులనే తాము Champion చేస్తున్నామని చెప్పే ఆయన జమీందారీ రైతుకు ప్రభుత్వమువారు వ్యాయముగా కనపరచిన ఈ ఆదరింపు విమర్శించుచూ, జమీందారుల కివ్వవలసిన పరిహారమును గత నూటయ్యై సంవత్సరముల నుంచి జమీందారులచే పీడింపబడి, ప్రాణాపజ్ఞరయొన్న జమీందారీ రైతులవద్దనుంచే వసూలు చేయవలసిన, ప్రభుత్వ ఖజానాలోనుంచి జమీందారులకు డబ్బు చెల్లించి నచో ప్రజకు ప్రభుత్వమునకు నష్టము సంభవించునని వాదించుట చూడ ఆశ్చర్యకరముగ నున్నది.

" నేను మార్పు గోదావరి జిల్లాలో ఈ సుధ్యన ప్రభుత్వమువారిచే స్వాధీనము చేసికోబడిన విరావురము జమీందారీలోని ఒక రైతును గనుక ఈ ప్రతిపక్షనాయకుడు చేసిన వాదనను చూచి ప్రతి జమీందారీ రైతుయొక్క హృదయము ఎంత సంక్షోభితుడో ఈ సభికులకు, ఆంధ్ర ముఖ్యంగా ప్రతి పక్షనాయకునకు తెలియజేసే ఉద్దేశంతో, వాదతో నేను కొన్ని విషయములను ఇచ్చట మనవిచేయదలచినాను.

" మన దేశమును ఆక్రమంగా చేజిక్కించుకొనిన East India Company వారు పరిపాలనా సౌలభ్యం కోసం ఈ జమీందారులను ఏర్పాటు చేసినారనే విషయం మన కందరికీ తెలిసినటువంటిది. ప్రతిపక్షనాయకుడు కూడ ఈ విషయాన్ని గుర్తెరింగి కందరికీ తెలిపినట్లుంటుంది. East India Company వారు ఆనాడు మన వారే అని నేను నమ్ముచున్నాను. East India Company వారు ఆనాడు మన దేశంలో ప్రజల మధ్యన, పరిపాలకుల మధ్యన అంతఃకలహాలను రేకెత్తించి అనైక్యతను ఆంధ్రా లినుకొని దేశాన్ని స్వాధీనపరచుకొని ప్రజలు ఎల్లప్పుడు శాశ్వతంగా వారి సుఖంగా ఉండేట్లు చేసే తలంపుతో జమీందారుల నేటుటువంటి విశేషములను సృష్టించి

[Sri T. Purushotham] [18th November 1949]

1802 వ సంవత్సరంలో Permanent Settlement అనే పేరుతో రైతులను స్వర్ణ విధాల వాడతూ వచ్చినా, ఈ విశేషానికి విధానాన్ని ఏర్పాటు చేసినారు. 1802 వ నాటి Permanent Settlement ప్రకారము జమీందారు రైతులందరినీ ఒక నిర్ణీతమైన శిస్తును వసూలుచేసి కొన్ని చోట్ల మూడు వంతులు పరువుకు ఒక రైతు జమీందారుకు, మరికొన్ని చోట్ల అయిదు వంతులు పరువుకు ఒక రైతు జమీందారుకు పంచెట్టే వద్దని ఏర్పాటు చేసినారు. అలాగా ప్రభుత్వముకు జమీందారులు ఎ.తి. పేట వద్ద చెల్లించాలిగా, రైతుల ద్వారా చి. ఎంత శిస్తు వసూలు చేయవలయు ఒక నిర్ణయం చేసినారు. ఎవరైనా ఊహించగలరు. ఈ జమీందారులు సరిగా చేసి వారులేని మృగాలకింద జమీన్ వారిని అనేక అడ్డకట్టములకు గురికావించి ఈ రెండువంతుల సంవత్సరముల నుంచి రైతాంగాన్ని పీల్చి పీల్చి చేసినట్లుంటే సంగతి ప్రతిపక్ష నాయకుడు ముందుగా గుర్తించవలసిన కోరుతున్నాను. దేశంలో పరాయి ప్రభుత్వం ఉన్నప్పుడు మంత్రులు ఈ జమీందారుల హక్కులపై యావద్దాంత ప్రభావాన్ని సృష్టించాలిగా పది ముగ్గురు సభ్యులుగా ఈ రోజున ప్రభుత్వ ప్రతిపక్షంలో కూర్చోని ప్రజాభిమానాన్ని చూపగలనట్టి వారి పరమాశయమని ప్రజల హక్కులను కాపాడుతే వారి విద్యుక్త ధర్మమని గోపించే ప్రతిపక్ష సభ్యులు నాయకులు అనాడు ఆ జమీందారీ విధానాన్ని ఉద్ధించిన వారే.

“1802 వ నాటి Permanent Settlement ప్రకారము ఒక నిర్ణీతమైన శిస్తును జమీందారులు రైతుల వద్దనుంచి వసూలు చేయవలసియున్నది. జమీందారులు స్వలాభా వేక్షతో అలాటి ప్రభుత్వాన్ని అండగా తీసుకొని, వారి హక్కులపైయున్న అధికారాన్ని అవకాశంగా నిర్దాక్షిణ్యంగా వోచి, వారులేని అమాయక రైతులవద్దనుంచి నిర్ణీతమైన శిస్తును అనేక రెట్లు—కొన్ని సంవత్సరములూ ఇరువది రెట్లు ముప్పది రెట్లుకూడ—శిస్తును వసూలుచేసి వాని ఇనుప హస్తాలతో రైతాంగాన్ని పీల్చి పీల్చి చేసిన ఆ జమీందారీ ప్రభుత్వానికి ఈ ప్రతిపక్ష సభ్యులూ కొందరు అండగా నిలిచారంటే ఆశ్చర్యమేమీ లేదు. ఆ నాడు జమీందారు అనే అతడు పర ప్రభుత్వాన్ని ఈ దేశంలో చింఠాయీగా ఉంచుటకుగాను విర్యవీర స్థంభమువంటివాడు. అటువంటి వారిని ప్రోత్సహించి, వారికి తమ ప్రోద్బలాన్ని ఇచ్చినవారే ఈ నాటి ప్రభుత్వ ప్రతిపక్షములూనివారు. ఆ 1802 వ నాటినుంచి ఈ నాటివరకు జమీందారీ రైతు ఎన్ని అడ్డకట్టములపాలు కావలసివచ్చిందో ఎన్ని పేద రైతు కుటుంబాలు జమీందారుల కింకవలసినదని ప్రతిపక్ష నాయకుని కోరుతున్నాను. ఆ పీడిత రైతాంగము ఈ నాడు కూడ జమీందారుకు అపరాధం చెల్లించాలంటే ప్రతిపక్షనాయకుని వాదనలూని బౌద్ధత్వాన్ని కొనియాడవలసి యున్నదో లేక వెగనాడ వలసియున్నదో సభ్యులు నిర్ణయించుకోగల సమర్థులని నాకు విశ్వాసము. కాని ప్రతిపక్ష నాయకుడు, ఆయన వ్యూహంలూ మార్పు కనిపిస్తుంది. ప్రజలు ముఖ్యంగా రైతులు కట్ల తెరచారు. వారి విధులేమీ, హక్కులేమీ వారికి పూర్తిగా తెలుసును. దేశం స్వతంత్రమైందని పరాయి ప్రభుత్వం భూస్వామ్య విధానం అంతరించినాయని ప్రజలకు బోధపడింది.”

MR. PRESIDENT :—“అంత విఫలంగా వెళ్ళవలసిన అవసరం లేదు. జమీందారీ రైతులవద్దనుంచి జమీందారు కిచ్చవలసిన పరిహారాన్ని వసూలు చేయుట ప్రభుత్వ సంకల్పం కాదు. మీరు క్లుప్తంగా ప్రసంగించవలయును.”

18th November 1949]

SRI T. PURUSHOTHAM :—“ప్రభుత్వమువారు జమీందారీ రైతులవద్ద నుంచి ఈ పరిహార మొత్తాన్ని ఏసుకొని చేయరని నా ధృఢ విశ్వాసము. ప్రభుత్వాన్ని నేను శంకించను. కాని ప్రతిపక్షనాయకుడు ఈ ప్రజా ప్రభుత్వం ఏదో మహాపరాధం చేస్తూందని ప్రజాభిమానాన్ని దుర్వినియోగం చేస్తూందని జమీందారీ రైతుల ఆమాతంకా మహాభాగ్యవంతుడై పోతున్నాడని ప్రభుత్వం అతనిపై ఎటువంటి కన్నును విప్పించటంలేదని ఆ నేక ఆధారాలను ప్రభుత్వం వారిపై విసిరారు. వారి మిమ్మల్ని ఎంతమాత్రము ప్రభుత్వం కట్టించుకొనరాదని జమీందారీ రైతాంగము ఎటువంటి పరిస్థితులలోనైనా ప్రజా ప్రభుత్వానికి అంధై నిలుస్తుందని ప్రభుత్వానికి తెలియ జేయడమే నా ముఖ్యోద్దేశము. ఈ విషయాన్ని ప్రభుత్వంవారు గుర్తించారని నేను ఆశిస్తున్నాను.

“1947 వ సంవత్సరం ఆగస్టు 15 వ తారీఖున మనము స్వస్వతంత్రులమై నాము. రైతాంగము ఈ విషయాన్ని గుర్తించింది. 1937 వ సంవత్సరము లోను, 1946 వ సంవత్సరములోను ఎన్నికలు జరిగినప్పుడు కాంగ్రెసువాం ఎన్నిక ప్రత్యేక ప్రకారము జమీందారీ విధానాన్ని రద్దు చేస్తామని ప్రజలకు హామీ ఇచ్చింది. ఈ హామీని పురస్కరించుకొని జమీందారీ రైతులందరూ కాంగ్రెసు ఆధిపత్యం కే కచ్చ పెట్టలలోని అమూల్యమైన తమ ఓట్లను ఉంచి రెండుసార్లుకూడ కాంగ్రెసువారికి అఖండ విజయాన్ని చేకూర్చినారు. ఆ కారణంచేతనే ఈ నాడు ఈ మంత్రులు ఇక్కడ కూర్చుంటున్న అవకాశం చిక్కినది. ఈ మేరకు ఈ ప్రభుత్వంవారు జమీందారీ రైతాంగానికి ఋణపడియున్నారు. ఆ నాడు ఎన్నికలకు పూర్వము అధికారము జమీందారుల హస్తగతమై యున్నప్పుడు ప్రతిపక్ష ప్రభుత్వమువారి అండనున్న వ్యక్తి జమీందారీ రైతులు నిర్భయంగా జమీందారులను వ్యతిరేకించి కాంగ్రెసువారితో బలవరచినారు. 1937 వ సంవత్సరములో జరిగిన ఎన్నికలలో మా మార్పు గోదావరి జిల్లాలో ఎంతో అంగజలము అర్ధబలము ఉన్న పిఠాపురిము, మహారాజా, యవరాజా గార్లను ఇప్పటి దిగవ శాసన సభ సభ్యులలో ఒకరగు శ్రీ మల్లేపూడి శర్లంరాజు గారు, మాజీ రెవిన్యూ శాఖామంత్రిలు కళా నెంకటరావుగారు ఎన్నవేల వోట్ల మెజారిటీతో ఓడించినారంటే రైతాంగము జమీందారీ విధానాన్ని, జమీందారులను ఎంతగా ద్వేషిస్తున్నారో కాంగ్రెసు ఎడల ఎంతటి అచంచల విశ్వాసాన్ని ప్రదర్శిస్తున్నారో డాక్టర్ వి. కె. జాగ్ గారు ఊహించుకోగలరని నమ్ముచున్నాను. ఆ జమీందారీ రైతుల సహాయముతో ఈ నాడు అధికారాన్ని హస్తగతం చేసుకొన్న ప్రజా ప్రభుత్వం ప్రజా ప్రతినిధుల జమీందారీలను రద్దు చేయిస్తున్నారంటే ప్రతిపక్ష సభ్యులు ఎందుకు విమర్శించ బూనుకొన్నారో నాకు ఆశ్చర్యాన్ని కలుగ చేస్తుంది.

“ఈ నాడు ప్రశ్నకంగా జమీందారీ రైతుకు ప్రభుత్వంవారు చేస్తున్న మహిమ కారమేమో కూడ తెలియజేస్తాను. రెండువందల సంవత్సరాలనుంచి జమీందారీరైతు ఎన్నో విధాల పీడింపబడినాడు. అటువంటి రైతు ఈ నాడు ప్రక్కన ఉన్న రైత్యారీ రైతు ఏ శిస్తు ప్రభుత్వంవారికి చెల్లిస్తున్నాడో ఆ శిస్తే ఆరడుకూడ ఇకముందు జమీందారీలకు బదులు ప్రభుత్వముకు చెల్లించేట్లు మార్పుచే ఈ జమీందారీరద్దు చట్టముయొక్క సారాంశము. అంతే కాని జమీందారీ రైతులకు ఈ నాడు ఎటువంటి మహిమ కారము చేయబడలేదు. రెండువందల సంవత్సరములనుండి జరుగుతున్న అన్యాయము ఈ నాడు ప్రభుత్వంవారు తొలగించారు. కాని వేరేని యాకాద జమీందారీ రైతుకూడ రైత్యారీ రైతులనే ఇకముందు ప్రభుత్వానికి శిస్తు చెల్లిస్తాడు. ఈ విధానమువల్ల ప్రభుత్వానికి హెచ్చుప్రతిఫలమున్నది. కాని వివిధమైన దండగలేదు. 1802 వ సంవత్సరములో Permanent Settlement ప్రకారం ప్రభుత్వమువారికి జమీందారు ఇచ్చే యాదై లక్షల

[Sri T. Purushotham] [18th November 1949]

నేడుకడ కాకుండా సుమారు మరొక యాభైక్షల రూపాయల ఆధనపు ప్రతిపలము
 ప్రభుత్వానికి వస్తుందని అంచనా వేస్తున్నారు. అంటే జమీందారీ రద్దువలన ప్రభుత్వానికి
 ఆధనపు ఆదాయము ఎన్నుందో గాన, ఎటువంటి నష్టము కలగదు. Cornwallis తో
 ప్రారంభింపబడిన ఈ అమానుష భూస్వామ్య విధానాన్ని మాకలా వెంకటరావు రద్దు
 చేసినాడు. ఈనాడు ప్రభుత్వము జమీందారులకు నష్టపరిహారము ఎన్నుకొంటే
 వారికి హెచ్చు ఆదాయము రాబట్టుకొనే అవకాశం కలిగించుకొనే చేసిందిగాని
 ముందుచూపు లేకుండా జమీందారులకు లోబ్బాది డబ్బు ఇవ్వబోయిందని. ప్రభు
 త్వము జమీందారీ రైతులవద్దనుంచి పన్నువసూలుచేసే హక్కును కొనుక్కొనినదే
 కాని పేరుకాదు.

"ప్రభుత్వంవారు చేయదలచిన ఈ ప్రభుత్వహరితులు వారిపెట్టుబడికి మంచి ఆదాయము పొందుదని మనవిచేస్తున్నాను. రెండవది సంతకాలనంది ఎంతో ఎక్కువ శిస్తును జమీందారులకు చెల్లిస్తున్న రైతుపద్ధతినంది ఇంకా కొన్ని కోట్ల రూపాయలకూడ వసూలుచేయాలనడం ఘోరశరాస్వాత్యయనని ప్రకటనచేయుదు. Dr. John గారు జమీందారీభూములు 1802 న సంవత్సరంలో ఏ పట్టణదారులకు ఇప్పటిదాకా వారిచేతులలోనే ఈ నాడు హాలు భాగము లేదని చదవబడి సంవత్సరాలు జమీందారులచేత వీరిపంటపై రైతులకు కాకుండా ఈ భూములను దరిమిల కొనుగోనిన ఇతరులకే జమీందారీరద్దు చట్టమువల్ల ఉపకారము జరుగుతుందని వాదించుచున్నారు. ఈ వాదనలోని పరిశ్రమేమా నాగ బోధపడుట లేదు. మొదటి పట్టణదారులనుండి ఎకరైననూ భూములను కొనుక్కనియిండుచున్న అంటే ఆ మొదటి పట్టణదారులకు ఎకరానికి వెయ్యి రెండు వేలా రొక్కము ఇచ్చి జమీందారులకు ఇవ్వవలసిన శిస్తుచెల్లించే నిర్ణయించిన కొనుగోలు జరిగిఉంటుంది. అనగా భూమికి సరియైన విలువ మొదటి పట్టణదారులకు పుట్టి పట్టణదారుల ఎప్పుడో తెలిచియున్నాడు. అతనికి జరుగుచున్న గొప్పఉపకార మేదియునులేదు. ఇకనుండు కూడ అతడు ప్రభుత్వానికి ప్రక్కనున్న రైత్యాగ్గిరైతు ఇచ్చే శిస్తునే చెల్లిస్తాడు. అటువంటి పరిస్థితులలో అతనిపద్ధతిని జమీందారులకు compensation ఇవ్వడంకోసం ఇంకా కొంతదబ్బు వసూలుచేయడం హాస్యాస్పదమైన విషయం. ఈ సందర్భంలో ఇంకా ఒకవిషయము వెప్పజేసియున్నది. జమీందారీ రైతులనుండి శిస్తు వసూలులేకు కొనే హక్కును ప్రభుత్వమువారు తమ విజింటుఅగు జమీందారుపద్ధతినంది ఉపసంహరించి నారకనుక జమీందారులకు compensation ఇవ్వవలసిన తలచినట్లయితే దానిని వారే జమీందారులకు ఇవ్వవలెనుగాని, దానితో రైతుకు ఎంతమాత్రము సంగంధములేదు. జమీందారీరద్దు చట్టమును ఇదివరలో మన ఉభయశాసన సభలలోను చర్చించుచున్నపుడు అనేకమంది కాంగ్రెస్ సభ్యులు జమీందారు భూమికి స్వీయదారుడు కాదని, అతడు ప్రభుత్వంవారికి విజింటు అనియు, ఆ విజింటును ఇప్పుడు తొలగించి సను ఎటువంటి పరిహారమును ఇవ్వనవిసరిములేదని చెప్పియున్నారు. మన శాసనసభల చట్టా వివరములను చూచిఃత్రివితే ఇది అన్వయ సౌఖ్యముగా తెలియగలవు. ఇంత కాలమునుండి రైతులను అనేకవిధాలుగా వీడించిన జమీందారులను తొలగిస్తూ, వారియందల వయలోనే ప్రభుత్వమువారు compensation ను ఇవ్వనశ్చయించినారు కాని, యదార్థము ఆలోచించి చూచినట్లయితే వారికి ఎంతమాత్రము పరిహారమివ్వనవలసికాదు. జమీందారీరద్దు చట్టాన్ని దిగుపంపులో వర్చించుచున్నపుడు మిత్రులు విశ్వసాధంగా జమీందారులకు ప్రభుత్వమువారు ఇవ్వదలచిన పరిహారం చాలా ఎక్కువగా ఉన్నదన్నది. 1802 న సంవత్సరంనాటి Permanent Settlement చట్టము జమీందారులకు ఇవ్వవలసిన దబ్బును ప్రతిపక్షికగా తిసుకొని జమీందారు

18th November 1949] [Sri T. Purushotham]

18th November 1902

అకు compensation ఇవ్వలేనేగాని మరొకవిధంగా ఇవ్వకూడదనేకాదు ప్రభుత్వము వారికి సలహా యిచ్చియున్నారు. కాని ప్రభుత్వంవారు రైతావరీ లేట్లను ఆచారంగా చేసుకొని compensation ను నిర్ణయించియున్నారు. ఈ compensation ఇవ్వ అనేమిటుంటిది జమించారుకు ప్రభుత్వమువారికి మధ్యన జరుగవలసినదేకాని రైతుకు దీనితో ఏ మాత్రము సంబంధములేదు. ఈ నాడు రైతు ప్రభుత్వమువారికి ప్రక్కన ఉండే రైతావరీ లేట్ ఇవ్వాలి. ఈ లేటు ప్రకారంగా ఆతడు 1802 సంవత్సరంనాటి శిస్తు కన్న హెచ్చు శిస్తు ప్రభుత్వమువారికి ఇస్తాడు. అంటే ప్రభుత్వమువారికి జమీం దారీ రద్దుకల్ప లాభమేకాని ఎటుంటి దండుగ లేదు. ఇవి యదార్థవిషయములైనప్పటికి, ప్రజలను కాపాడడమే, ప్రజల హక్కులను రక్షించడమే వారి పరమాశయమని చెప్పుకొనే ప్రతిపక్ష సభ్యులు, ఇంకా కొంత డబ్బును జమీందారీ రైతువద్దనుంచి తీసుకొనేయమంటున్నారు. వారి వాదనలలోని ఆంతర్యాన్ని ప్రజలు గుర్తించగలరని, సమూహచేయమంటున్నారు. వారి వాదనలలోని ఆంతర్యాన్ని ప్రజలు గుర్తించగలరని, ఇటుంటి వాదనలను విని ప్రజలు మోసపోరని ప్రతిపక్ష సభ్యులు గుర్తించగలరని ఆశిస్తున్నాను."

MR. PRESIDENT :—“ దీర్ఘముగా ఉన్నట్లుంది, త్వరగా ముగింపండి. ”

SRI T. PURUSHOTHAM: —“ రెండుమాటలు మనవిచేసి ముగిస్తాను. (పతి పక్ష సభ్యులు వారి వాదనలను బలపరచుకొనేవిరుద్ధము, సంయుక్త రాష్ట్రములలో (United Provinces) ఆ ప్రభుత్వము వారు జమీందారులకు ఇవ్వవలసిన compensation ను తెల్లించుటకుగాను కొంతమొత్తమును రైతులవద్దనుంచి వసూలుచేయన్నారని చెప్పి యున్నారు. వారు మొదట సంయుక్త రాష్ట్రములలోని జమీందారులకు, ఈ రాష్ట్రము లోని జమీందారులకు అక్కడి రైతులకు ఇక్కడి రైతులకు హానిమిస్త కాంతరము ఉన్న దని గ్రహించగోర్రాను. అక్కడి జమీందారీ రైతు ఇక్కడి జమీందారీ రైతువలె పీడింప బడకపోయియుండవచ్చును. అక్కడి జమీందారీ రైతులు మేకలువల ప్రభుత్వమువారు ఏమిచేయవలసిన అది చేయవచ్చును. ఇక్కడి రైతులకన్న అక్కడివారు భార్యవంతులు గను కూడ ఉండవచ్చును. కాని మన ముద్రాసు రాష్ట్రములోని జమీందారీ రైతు ఈ నష్ట పరిహారాన్ని ఎంతమొత్తము ఇచ్చుకొనలేడు. అతడు చాలా బీదవాడు. ఏ ప్రభుత్వము గాని అతనిని నిర్బంధించి డబ్బు వసూలుచేయలేదు. ఉభయరాష్ట్రములలోని రైతుల స్థితిగతులను పరిశీలించుచుండా పౌలిక ఫీసుకునిరావడము ఎంతమాత్రము సమంజసముగా ఉండలేదు. సంయుక్త రాష్ట్రములలోవలె ఇక్కడి రైతు జమీందారులకు ఏదే నష్టపరి హారాన్ని ఇవ్వలేరని, ఇవ్వని కూడా ప్రతిపక్ష సభ్యులు గుర్తించగోరుతాను.

[illegible]

[SRI T. Purushotham] [18th November 1949]

రైతులకు పరిపూర్ణ న్యాయము కలుగునట్లుగా పరిష్కారము చేయుటకు ప్రభుత్వము చర్యలు చేపట్టినది మనవి చేస్తున్నాను.

MR. PRESIDENT :—“ దీర్ఘంగా ఉన్నది.”

SRI T. PURUSHOTHAM :—“ రెండుమాసాలలో ముగిస్తున్నాను. ప్రభుత్వం వారు ప్రతిపక్ష సభ్యుల విమర్శలను పాటించనక్కరలేదని, రైతులపట్లనుంచి వివిధంగా వచ్చే పరిశోధనలను పరిశీలించి విశ్వసిస్తూ ఉన్నాను.”

4-45 p.m. SRI A. GOVINDACHARYULU :—“ Mr. President, Sir, I rise to congratulate the Government for bringing forward these rules before this House. I wholeheartedly welcome these rules. That was our fight with the Hon. Minister for Revenue in the Select Committee because it was our complaint then, that the Bill did not contain adequate provision with regard to the payment of compensation to the zamindars whose rights have been acquired. We wanted that the zamindars should be paid proper and adequate compensation in some concrete shape. So, I thank the Government and also the members of the Joint Select Committee who have fought for that, because that has now taken shape and the Government have now come forward with these rules specifying the mode and the rate of compensation. Therefore they deserve the congratulation of this House.

“ Sir, my hon. Friend the present Revenue Minister, Mr. Sitarama Reddi has specially to be congratulated on this matter. I know what troubles he had taken to bring about these concrete proposals.

“ Sir, in Rule 2 it is stated that compensation should be paid in instalments spread over a period of three to five years. I want to know why the matter should not be settled once and for all, and the zamindars paid the compensation amount in one single instalment and their estates taken charge of. (Interruption.) I do not think, Sir, that my hon. Friend Dr. V. K. John has advocated any expropriatory legislation at any time. He has several times expressed that he was against expropriation without compensation. Why should he now come forward and say that the ryots should be made to pay the compensation? The Government are going to collect taxes from the tenants instead of from the zamindars in the form of peishkash. It is the Government that have acquired the rights of the zamindars and therefore it is they should pay the compensation, because the revenues are going to be increased hereafter. They will get more revenues hereafter from the ryots than the peishkash which they got previously from the zamindars. Therefore the zamindars should be treated with grace, because we have taken away their property, which means, their livelihood. Perhaps they may have other properties or cash, but that is not the reason why we should deprive them of their compensation. Sir, I welcome these rules and I congratulate the Government for having kept up their word.

“ Sir, my hon. Friend Mr. R. Suryanarayana Rao has said that the payment of such large sums of money is likely to cause

18th November 1949] [Sri A. Govindacharyulu]

inflationary tendencies in the country. I submit, Sir, that payment of compensation in cash, and currency inflation are not interdependent. The Government can float a loan for an amount equal to the amount of compensation payable to the zamindars. That amount will come from the public. Then there will be no question of inflation. Sir, there seems to be some confusion of thought in the minds of some hon. Members on this matter. I submit, Sir, that inflation has nothing to do with the payment of compensation in cash.

“ Sir, I once again congratulate the Government for bringing forward these rules before the House and I shall be glad, if they put these rules into execution properly and hereafter also they should stick to the principle of paying proper and adequate compensation wherever they want to acquire property rights.”

* THE HON. SRI H. SITARAMA REDDI :—“ Mr. President, Sir, I should say that the question of payment of compensation is a dead horse which has been flogged too much in this House. I do not think, Sir, that there is any need for controversy over this matter. The Government have clearly stated on more than one occasion and even in reply to a question yesterday, that they do not propose to collect the money from the tenants for paying compensation to the zamindars. I think, Sir, that discussion has gone on in a rather academic fashion on this point. This matter has not come up for the first time to-day. This has been discussed at great length in both Houses of the Legislature when the original Bill was under discussion and I believe that all aspects of the question had been considered and then only the Bill was passed and so, that matter had been set at rest long ago.

“ Sir, my hon. Friend the Leader of the Opposition wanted to help the Government by giving a tip as to how they could find the money easily. It is not only a question of how to find the money, but a question of doing justice. I do not think I need go into the whole argument as to why we have proposed not to collect the amount from the tenants, because several hon. Members have argued that point very well and more warmth than was needed has been imported into the discussion.

“ Sir, I was rather amused to hear my hon. Friend Mr. Suryanarayana Rao saying that the Government are trying to pay 50 per cent of the compensation amount in advance in order to please the zamindars. I am sorry, he is not here now. I can only say that it really amused me to hear such a remark from him. May I remind him, that never in the tradition of this House has any member of the opposition given such a credit to the members on the Treasury Benches, because we have always been attacked that we have been unfair to the zamindars. Sir, we do not do things to please any particular section of the community. We have simply done justice to the zamindar in this case and we are out to do justice between man and man. The main object of this legislation is to pay compensation to the zamindars whose rights have been acquired by the Government and it is just and proper that we should do so. Sir, I should, in this connection, like to draw the attention of the House not only to section 299 of the Government

[Sri H. Sitarama Reddi] [18th November 1949]

of India Act, but also to section 24 of the Constitution Act that is now being enacted by the representatives of the people in the Constituent Assembly. That section says—

‘24. (1) No person shall be deprived of his property save by authority of law.

(2) No property movable or immovable including any interest in or in any company, owning any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes under any law, authorizing the taking of such possession or such acquisition, unless the law provides for compensation for the property taken possession of or acquired and either fixes the amount of the compensation or specifies the principles on which and the manner in which the compensation is to be determined and given.’

“ So, Sir, the Constituent Assembly which is composed of the representatives of the people of this country have framed a constitution containing this provision, because it is an act of mere justice and equity and a principle of law that compensation should be paid for property rights acquired and so this Government are not paying compensation simply to please somebody or to get somebody's favour. I can assure hon. Members that we can survive without the zamindars' favour and without trying to merely please somebody, because we sitting here have the capacity to do the right thing, the proper thing and the just thing by the people, whose representatives we are.

“ Sir, another question that has been raised is that cash compensation would tend to increase inflationary tendencies. My hon. Friend Mr. Govindacharyulu who spoke last, and who I believe is an authority on that subject and who has published some books on economics, has to a large extent removed any such misapprehension and fear.

“ Sir, another question was raised, whether the Government of Madras had consulted the Government of India in the matter. Some hon. Member said that if that Government had been consulted, they would not have approved these rules and would have held up our hands. Let me assure hon. Members that the Madras Government know their duty and they have consulted all the people who ought to be consulted. We have taken every care and every precaution to see that payment of money compensation does not upset either the Indian economy or the provincial economy.

“ Sir, another suggestion was made by the hon. Leader of the Opposition that instead of paying compensation in cash, we could very well give negotiable bonds payable in instalments. That is a very good suggestion no doubt. But it is not as though the Government have not considered it or would not like to do so. We did examine that question, but there were difficulties pointed out to us and when the New Constitution is finalized, that point will be clarified. But anyway, the present decision of the Government, as I have already said, is to pay compensation in cash and to distribute it as laid down in these rules. I once more assure the House, Sir, that all aspects of the question, including the possibility of inflationary tendencies coming into play, have been considered and all precautions taken to check such tendencies. As I have said just

18th November 1949] [Sri H. Sitarama Reddi]

now, we have also consulted the Government of India and all those who ought to be consulted and we have also examined the legal, financial and every other aspect of the question and it is only after these things, that we have framed these rules and have placed them before this House for consideration.”

MR. PRESIDENT :—“ At the session when this Bill for the abolition of the Zamindari was passed there was a sort of breeze in this House and I then made a reference to it in the course of my speech at the closing of that session. I said, ‘ Unfortunately, the cordial atmosphere of the House was disturbed while discussing the amendment relating to the rules to be framed under the Bill. The original Bill provided that the rules should be approved by both the Houses, but was changed in the Select Committee. The Government of India Act has no doubt made a difference between the two Houses in some respects. But short of that, I am particularly anxious that nothing should be done to injure the prestige of either House.’

“ The then Minister for Revenue stated—

“ Therefore, as I have already said on the floor of the House, the 5 p.m. Government are prepared to bring these rules under rule 40 by a special motion before this House if it is legally possible, or if it is not possible before such rules are adopted, I would bring an amending Bill so as to provide for the Legislative Council also to discuss it.”

I just want to inform the Government how much this House appreciates the way in which they have managed to bring these rules before this House, and I still more appreciate the remark of the Hon. Minister when he stated that the Bill itself is likely to be amended so that, without any motion being made, any rules to be framed hereafter will automatically come before this House. I just wanted to voice my appreciation as well as the appreciation of this House for the cordial atmosphere which has been brought about by the action of the Government, and I think the Government deserve our praise for this.

“ As regards the discussion in this House on the question whether the tenant has to pay or not, it was, as the Hon. Minister stated, a mere academic discussion. The Act is there, and it does not say that the tenant should pay. The Government are very strong on this point. If perchance the Government should change their view, then it would be time for this House to discuss the matter. I am sure the Government know the feelings of the zamindari in the whole Presidency. I hope that day would never dawn when the Government would be forced to bring legislation by which they would try to throw even a portion of the burden upon the zamindari.”

“ The House will now adjourn and meet again at 11 o'clock on the 21st November 1949.”

The House then adjourned.

[18th November 1949]

APPENDIX I.

[Vide answer to starred question No. 34 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 18th November 1949, page 461 supra.]

G.O. No. 424, Finance, dated 29th April 1949.

Contingencies—Report of the Special Officer—Instructions to Heads of Departments—Issued.

The Retrenchment and Reorganization Committee which considered the question of economies in contingent expenditure recommended a general reduction of 20 per cent in respect of certain items of contingent expenditure such as office expenses, etc. In respect of other items such as petty construction and repairs, etc., the Committee recommended that the attention of the heads of departments might be drawn to the necessity for restricting the expenditure under these items as far as possible.

2. On a consideration of the recommendations of the Committee the Government appointed a Special Officer to scrutinize the various items of contingent expenditure and to suggest possible economies in such expenditure. The Special Officer inspected 12 offices in all, including at least one typical office in each major department of the Government and submitted to the Government individual reports on the offices visited containing suggestions for economies in contingent expenditure. These suggestions relating to particular departments are being examined separately in consultation with the heads of departments concerned and suitable instructions are being issued.

3. The Special Officer has also made certain recommendations which are common to all Government offices. Though some of these appear in the individual reports mentioned in paragraph 2, the Government have examined these recommendations in general with a view to making them applicable to all Government offices as far as possible. The decision of the Government on these recommendations are appended to this order. All heads of departments are requested to observe the instructions given in the Appendix and issue necessary directions to their subordinate officers.

(By order of His Excellency the Governor)

T. N. S. RAGHAVAN,
Secretary to Government.

To all Heads of Departments (Provincial).

„ the Accountant-General, Madras.

„ the Departments of the Secretariat (all sections).

Copy to Private Secretary to Hon'ble the Premier.

„ Accounts Officer, Tungabhadra Project, Hospet Dam Post (4 copies).

18th November 1949]

APPENDIX.

1. *Telegrams*.—It is observed that the instructions contained in paragraph 6 (b) under item 52 in Appendix 7 of Madras Financial Code, Volume II, for the issue of telegrams are not strictly followed in many offices. All Government servants should examine in each case, where a telegram is proposed to be issued, whether an "express delivery letter" will not be sufficient. The head of each office should submit to the head of the department concerned an annual statement showing the number of telegrams and the number of "express delivery letters" sent from his office in the course of the year; and the head of the department should, where it appears that there is more scope for the use of the latter, draw the attention of the head of the office to the matter.

2. *Local letters, contingent bills and money orders, etc.*—Many officers send local letters, contingent bills, etc., by post involving unnecessary expenditure to the Government. Such expenditure should, wherever possible, be avoided by sending the letters, etc., through the peons of the respective offices.

Many offices in Madras City remit moneys due to local firms by money order. These should be sent by cycle peons in cases where the head of the office is satisfied that the amounts can safely be entrusted to the peons.

3. *Electric current charges*.—The rule in item 28 in Appendix 7 of Madras Financial Code, Volume II, governs the use of punkas and electric fans for non-gazetted establishments. Heads of departments should see that fans are used as sparingly as possible in view of the present need for economy.

4. *Hot and cold weather charges*.—In offices where electric fans and lights are not provided, expenditure is generally incurred on the employment of punka-pullers and on the purchase of kerosene oil, etc. It is not possible, under the present conditions, to undertake electrification of all such offices; but where proposals for electrification are submitted to the Government in individual cases an estimate of the savings that would result by not having punka-pullers, etc., should be given, and this fact should be taken into consideration when the question of sanction for electric installations comes up.

5. *Petty coolie and cart hire charges*.—(a) Coolie charges are often paid to peons in many offices to carry letters, to bring parcels from railway station, to take tappais to officers' residences during holidays, to shift furniture, to re-arrange records, to clean cycles, to tear off waste papers, etc. In some cases, they are also paid amounts in excess of the bus, tram or railway fare. Peons are intended for doing the items of work referred to above and are not entitled to be paid any remuneration in addition to their pay for doing them. Such expenditure should be avoided.

(b) In certain offices, conveyance charges are paid to clerks for about 10 days in a month regularly when they work outside office hours or on holidays. In certain other offices, peons and clerks are paid cart hire to go to the petrol rationing office to obtain coupons for officers' use and to go to the Accountant-General's office to get information regarding leave, etc., of gazetted officers. Expenditure of the above kind is inadmissible and the instructions issued by Government from time to time that such expenditure should not be incurred should be carefully observed.

Conveyance charges are paid to clerks in many Government offices several times in a month to go to the Accountant-General's office, treasury or bank for cashing bills. Though this is permissible, the rates paid are far in excess of the bus/train/tram fare. Strict instructions should be issued to all disbursing officers to scrutinize with care the expenditure incurred in their offices on petty coolie and cart hire, and to avoid unnecessary expenditure of the kind mentioned above.

6. *Tour contingencies*.—It is observed that claims made for contingent charges by camp clerks or personal clerks of touring officers in connexion with their tours, for carrying office samans to the station, portage at the station, etc., are often excessive. Heads of departments and other officers should scrutinize carefully tour contingent bills and disallow objectionable or extravagant claims. They should see that the provision included in the

[18th November 1949]

Budget for tour contingent expenditure is reduced to the minimum and that such provision is in no case exceeded. They should also bear in mind the following instructions:—

(a) Not more than one peon should ordinarily be taken to camp by touring officers (other than Hon'ble Ministers and officers of high rank) except for special reasons.

(b) Touring officers may be permitted when necessary and when they do not take a peon to camp, to utilize the peons of local offices if available or to engage coolies for any urgent extra work to be done in camp.

(c) Expenditure should not be incurred out of contingencies for payment of coolie charges or portage for carrying camp box, etc., except where the boxes are heavy and peons cannot reasonably be expected to carry them.

7. *Local purchase of stationery and other articles*—Local purchase of stationery in contravention of rules in the Stationery Manual and in excess of the sanctioned scale.—The marginally noted articles of stationery were purchased in some offices. The purchases were irregular, because the articles were either available with the Superintendent of Stationery or their purchase was not admissible under the Stationery Manual. The heads of departments are requested to avoid such irregular expenditure in future.

8. *Menials paid from contingencies*—Heads of departments should examine the case of all menials paid from contingencies who are employed in offices under their control on a full-time basis and consider whether they may be employed part-time, so that the payment of dearness allowance to them may be avoided, wherever possible.

Where a full-time punkah-puller or watchman is employed in a small office, he may be required to do sweeping work also without payment of extra remuneration. A whole-time watchman in addition to a whole-time sweeper for small offices should be avoided. Menials paid from contingencies should not be appointed in order to increase the strength of peons in an office.

Full-time gardeners seem to be employed now in many offices. The Government consider that full-time gardeners should be employed only where the compound of the building in which the office is located is large and the garden has to be maintained properly (e.g., in cases where vegetables are grown in pursuance of the Grow More Food Campaign). In other cases, arrangements should be made to look after the garden with the help of the sweepers, watchmen, etc., paying small extra remuneration where necessary.

Where a number of small offices are located close to one another, one sweeper may be employed for all the offices put together, but where small offices are scattered and a common full-time sweeper cannot be employed, only part-time arrangements should be made. A full-time sweeper or waterman for a single office should be confined to very big offices such as the Secretariat, High Court, Board of Revenue, Inspector-General of Police, Surgeon-General, Director of Public Instruction, etc.

Heads of departments concerned may, if they consider it absolutely necessary, employ full-time menials for any of the above purposes in their own offices.

9. *Books and periodicals*—In certain offices, four English dailies published in Madras City are purchased. Heads of departments and other officers should see that newspapers are purchased only where they are essential for administrative purposes. In any case, the purchase of more than one newspaper for one office should be the exception and not the rule.

Old copies of newspapers and magazines should be sold periodically and the sale-proceeds credited to the Government. This is not done at present in certain offices.

10. *Petty construction and repairs executed departmentally*—It is observed that in regard to the departmental execution of petty construction and repairs of buildings in charge of a department, the work is often not up to the standard required. In some cases, the works are done annually as a matter of course before the close of the year to prevent the lapse of funds; and want of proper supervision and technical knowledge is evident

[18th November 1949]

in such cases. While it is not possible to entrust the work to the Public Works Department officers or to execute it under their direct supervision in all cases, the departmental officers who are responsible for the maintenance of the buildings should satisfy themselves that the works or repairs are really essential. No works should be executed merely to prevent the lapse of funds. Where repairs are not necessary in a particular year, the provision should be surrendered in time.

11. *Hire of post boxes or window delivery system*—At present, post boxes are hired in most Government offices. Heads of departments and other officers should see that the expenditure on the hire of post boxes or the window delivery system in offices is avoided wherever it is not essential and the tappals can be got through a peon.

12. *Irregularities*—The following important irregularities have been brought to the notice of the Government:—

(a) *Irregularities in the maintenance of stock registers*—Under Article 135, Madras Financial Code, Volume I, a stock account of furniture and other office stores should be maintained in Madras Financial Code Form 10, showing the number received, number disposed of by transfer, sale, loss, etc., and the balance on hand for each kind of article separately; the stock should be verified at least once a year and a certificate recorded. Any loss of stores and furniture due to theft, fraud or negligence noticed during the verification should be written off after proper enquiry—see Articles 143 to 145, Madras Financial Code, Volume I. In spite of the above clear instructions, stock books are not properly maintained in many offices for furniture, cycles or other stores; verification is not also made systematically every year and losses written off.

(b) *Maintenance of contingent registers*—The contingent registers are not maintained properly in many offices; book adjustment entries are entered in black ink instead of in red ink; recoveries of expenditure are either not entered in the contingent registers or are not noted promptly; the sanctioned appropriation and the expenditure to date are not entered in the registers; advances are treated as regular expenditure; and remittances to banks are not taken as abatement of expenditure.

(c) *Part-payment and advance payment*—Contrary to the rules in the Madras Financial Code, a part-payment was made in an office in respect of a contingent voucher passed for payment in full, on the ground that the full supply had not been received. A part-payment was made in another office in respect of an electric current bill, on the ground that sufficient funds were not available. In another case, an advance was paid to a contractor to procure electric materials for doing some wiring work in a Government building.

(d) *Grant of advances of travelling allowance and pay out of permanent advance*—In no case can an advance of pay or travelling allowance be given to members of the superior staff out of contingencies even temporarily. In an office, advances of pay and travelling allowance were granted often to superior staff out of contingencies before the objection book advances bills were cashed.

(e) *Non-recovery of Government dues*—In a city office in respect of the telephone provided by the Government at the residence of the officer, the cost of half the number of telephone calls made in excess of the 60 calls in a month was not recovered monthly and credited to the Government as required by clause (5) under item 55 in Appendix 7 to Madras Financial Code, Volume II.

(f) *Rush of expenditure in March and drawal of money in advance to avoid lapse of funds*—In many offices, there is an undue rush of expenditure in the month of March in violation of the instructions laid down in Article 39, Madras Financial Code, Volume I, and the instructions issued by the Government from time to time. In many cases, it would seem that such expenditure is incurred not because there is a need for it but because there is appropriation available. This is irregular and opposed to the canons of financial propriety.

All heads of departments and other officers should take steps to see that such irregularities are avoided in future.

[18th November 1949]

13. *Personal financial responsibility of officers.*—Personal financial responsibility as laid down in Articles 3, 5 and 118 of Madras Financial Code, Volume I, should be enforced on all officers for improper or wasteful expenditure incurred by them or loss occurred by neglect of duties on their part.

APPENDIX II.

[Vide answer to starred question No. 35 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 18th November 1949, page 464 supra.]

Theory and Practice.

1. Aim and scope of Basic Craft.

2. Psychological foundations of craft-work.

The relation between motor development and mental development. Hand-work as an educative form of motor activity—Hand-work regarded as an indirect means of Education.

3. Hand-work and book-work.

4. Special aspect of Craft Training.

5. Directed hand-work and original hand-work—Place of drills in manual education, Pedagogical applications.

6. Study of the Basic School Craft syllabus—Why and how of it.

7. Methods of teaching the craft and organizing as educational unit centred round work.

8. Planning—Preparation—Actual work—Finishing—Recording—Assessment—Formation of habits and attitudes.

9. Tests at various stages.

10. General requirements—Collection and care of raw materials and tools—Disposal of products.

11. Mastering craft processes—

(1) Cleaning.

(2) Ginning.

(3) Carding.

(4) Slivering and spinning.

Different methods and processes under each activity to be learnt and practised.

Community life.

(Kitchen work, Gardening, Health and Cleanliness.)

1. Aim and Scope.

2. Actual sharing in community life—Individual responsibilities and rights.

[18th November 1949]

3. Organization of community life in a day school—How far possible.

4. Importance of health and cleanliness—Health—Preventive and curative.

5. How to use activities coming under this major activity as centres of education.

6. Study of the syllabuses for basic schools.

7. Means of measuring mental growth.

Cultural and Recreational activities including rural science.

1. Aim and Scope.

2. Organizing cultural and recreational activities in the school in the village—Plan and execution.

3. Study of regional literature—Study of Indian History with reference to cultural development.

4. Study of religions—Celebration of certain festivals.

5. Methods of training children—Surveying—Understanding rural problems—Planning activities—Exhibitions—Activities appropriate to the different age levels.

6. Providing opportunities for the development of individual talents and tastes—Rural sports and games—Dramas and other entertainments.

Work with children.

1. Observation of practising school children—At work, at play—Maintaining records—Use of the records.

2. Study of different types of behaviour and behaviour problems.

3. Motives expressed in children's play, work and acquisition of knowledge study of instincts and emotions arising out of personal observation of basic school children—How to modify or sublimate undesirable (non-social) instincts and emotions.

4. Formation of character—Character development and early experiences—Habit formation—Making and breaking of habits.

5. Social behaviour—Influence on an ordered community on personal development—the part played by heredity.

6. Principles of curriculum construction—The need for a graded syllabus—Preparation of literature.

7. The time-table.

8. Discipline—The new conception.

9. Registers and records value of school statistics.

10. Supervision—Inspection and examination—Check up work.

[18th November 1949]

Training school organization.

1. Functions of a basic training school—The new emphasis.
2. Different traits that are required of a basic school teacher—How to develop these traits—The formulation and uses of self-rating scale.
3. Practical work in the training period—Importance of professional training in the course—Knowledge of child and its environment—Ways and means of securing this knowledge.
4. Different ways of arranging practice teaching work.
5. Teaching aids and their preparation.
6. Study of the training school syllabus and scheme of work.
7. Assessing the work of pupil teachers—Records.
8. Examinations and the award of certificates.

APPENDIX III.

[Vide item IV at page 498 supra.]

Draft rules under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.

Notice has been received of the following :—

THE HON. SRI H. SITARAMA REDDI will move—

That the following draft of the rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of Section 40 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, be taken into consideration.

DRAFT RULES.

1. The compensation payable in respect of every estate shall be paid in cash.
2. In the case of an estate not being an estate which was held immediately before the notified date by a religious, educational or charitable institution—
 - (i) if the basic annual sum in respect of the estate does not exceed Rs. 3,000, the compensation shall be paid in one lump sum;
 - (ii) if the basic annual sum in respect of the estate exceeds Rs. 3,000 but does not exceed Rs. 50,000, the compensation shall be paid in equal annual instalments not exceeding three in number; and
 - (iii) if the basic annual sum in respect of the estate exceeds Rs. 50,000 the compensation shall be paid in equal annual instalments not exceeding five in number.
3. The compensation in respect of the estate where it is payable in one lump sum, and the first instalment of the compensation

[18th November 1949]

where it is payable in instalments, shall be paid not later than six months from the date on which the settlement operations in respect of the estate are completed, or where the date is earlier than the date of expiry of the three fasli years referred to in Section 30 of the Act or Section 31 thereof, as the case may be, not later than three months from the latter date.

4. Where compensation is payable in instalments under rule 2, interest shall accrue at 3 per cent per annum on the portion of the compensation still remaining to be paid on the date of payment of the first instalment, from that date up to the date of payment of the second instalment; and the interest which so accrues shall be paid on the date of payment of the second instalment. Likewise, interest shall accrue at the same rate on the portion of the compensation still remaining to be paid on the date of payment of the second or a subsequent instalment, from that date up to the date of payment of the third or the next succeeding instalment, as the case may be; and the interest which so accrues shall be paid on the date of payment of the third or the next succeeding instalment, as the case may be.

5. Every payment referred to in the foregoing rules shall be made by way of deposit in the office of the Tribunal under Section 11 (1) of the Act.

6. (1) Any sum payable to a religious, educational or charitable institution under sub-section (1) of section 38 as a tasdic allowance, or under sub-section (2) of that section to make good the deficiency referred to in that sub-section, in respect of any fasli year commencing from the fasli year in which the basic annual sum referred to in the said sub-section (1) is finally determined, shall be paid by deduction from the heriz of the village concerned; and in so far as it cannot be so paid, shall be paid in cash to the institution from the sub-treasury of the taluk in which the village is situated.

(2) The payments referred to in sub-rule (1) shall be subject to adjustment as provided in section 51 (2), of the Act, and shall be made before the end of the fasli year to which they relate.

7. These rules shall be deemed to have taken effect on the 19th April 1949.

[21st November 1949]

THE HON. SRI A. B. SHETTY :—“ We shall represent to the Government of India, the necessity for continuing this concession in the interests of the food production particularly in the Andhra districts on account of the cyclone havoc.”

SRI T. PURUSHOTHAM :—“ In case the Government of India do not agree, may I ask, Sir, whether it is not advisable for this Government to take up this question and give concessions to the ryots? ”

THE HON. SRI A. B. SHETTY :—“ That is a matter which we shall have to consider. The Provincial Government's share in this scheme will amount to a little more than 42 lakhs of rupees.”

SRI R. SURYANARAYANA RAO :—“ In view of the fact that this Government are interested in food production, should they not at least reduce the price of manures to the extent to which they are prepared to forego their income? ”

THE HON. SRI A. B. SHETTY :—“ The matter will have to be considered.”

SRI T. PURUSHOTHAM :—“ The Madras Cabinet jointly gave an assurance that the Government are prepared to spend to any extent for the cyclone-affected areas of the Andhra districts and may I request the Hon. Minister for Agriculture to consider that this amount of Rs. 42 lakhs is nothing when compared to the huge expenditure for cyclone relief? ”

THE HON. SRI A. B. SHETTY :—“ I understand that it was said on behalf of the Government that all that is necessary will be done for the rehabilitation of cyclone-affected areas.”

SRI K. MANATHUNAINATHA DESIGAR :—“ May I know, Sir, whether actions of this kind will not affect the food self-sufficiency programme by the ryots not taking enough interest and losing the enthusiasm that they have got now? ”

THE HON. SRI A. B. SHETTY :—“ It will surely affect the programme; but the Government of India are themselves very much interested in making the country self-sufficient in food and in the banning of imports by 1951; it is that Government that have taken this step.”

SRI K. MANATHUNAINATHA DESIGAR :—“ Inasmuch as this Government are interested in making the province self-sufficient, will the Hon. Minister consider the question of continuing their portion of the subsidies? ”

MR. PRESIDENT :—“ The Hon. Minister has already answered that it will be considered.”

SRI R. SURYANARAYANA RAO :—“ May I ask the Hon. Minister, Sir, in what other schemes the Government of India have withdrawn the concessions which they had agreed to give? ”

THE HON. SRI A. B. SHETTY :—“ The well subsidy scheme has been modified and the amount of subsidy that they were giving for tractor cultivation has been withdrawn.”

21st November 1949]

JANAB ABDUL LATIF FAROOKHI :—“ Have the Government received any reference from the Collector of North Arcot that permit-holders of ammonium sulphate do not supply it to that district and that it is being sold in the blackmarket? ”

THE HON. SRI A. B. SHETTY :—“ I suggest that a separate question may be put.”

DR. V. K. JOHN :—“ Will not the withdrawal of this concession seriously affect the Government's programme to grow more food and attain self-sufficiency in two years? ”

THE HON. SRI A. B. SHETTY :—“ It affects the programme no doubt, to some extent. The other day, Mr. R. K. Patil, the Food Commissioner of the Government of India, suggested that we should not depend solely on the supply of manure but that we must rely more on minor irrigation works.”

DR. V. K. JOHN :—“ May I know, Sir, what is the total commitment for both Madras and the Central Governments, if the concession was not withdrawn.”

THE HON. SRI A. B. SHETTY :—“ The net cost of the scheme will be Rs. 84 and odd lakhs.”

SRI N. SANKARA REDDI :—“ In case this concession is withdrawn, the cost of production will go up and will the Government in that connexion, consider this and not reduce the price of paddy? ”

THE HON. SRI A. B. SHETTY :—“ The price of paddy is another question and it does not arise out of this question.”

Appointment of Women Police.

* 41 Q.—MRS. M. N. CLUBWALA : Will the Hon. the Premier be pleased to state whether the Government are considering the appointment of Women Police in accordance with the scheme submitted by the Post-War Reconstruction Committee?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier) :—“ The question of employing women police has been very carefully considered and Government have decided that the proposal should be deferred for the present.”

MRS. M. N. CLUBWALA :—“ May I know, Sir, why the proposal has been deferred for the present; I hope it is not final? ”

MR. PRESIDENT :—“ Confidential reasons.”

MRS. M. N. CLUBWALA :—“ If the Government cannot appoint women police, may I ask them if they will at least appoint half a dozen more women patrollers—I do not know if the Government are aware of it—to check immoral traffic which is on the increase in the City? ”

THE HON. DR. T. S. S. RAJAN :—“ The question of women police involves a lot of considerations, financial and otherwise. Although the Government quite appreciate the need of women police in this Province, it has been deferred for the

[21st November 1949]

present. As regards women patrollers, we have already appointed one and the question of increasing the number will be considered in due course."

Mrs. M. N. CLUBWALA :—" May I know, Sir, when the increase will take place; we have been working quite a long time with one and one or two more would be very useful? "

THE HON. DR. T. S. S. RAJAN :—" Again, the question of work of the patrollers has got to be considered, how far it had been effective and whether it had served its purpose. Now that there is already one woman patroller doing the work, we have to see by how many we could increase that number and with what effect; this is the consideration which the Government have kept in view."

DR. V. K. JOHN :—" May I take it, Sir, that there are sufficient number of strong and sturdy and otherwise qualified women for these jobs in the Province? "

THE HON. DR. T. S. S. RAJAN :—" The question of weakness of women never came up before Government. There are strong women as we have among men."

DR. SYED TAJUDDIN :—" May I know, Sir, besides finance, what are the other considerations that have made them defer this question for the present? "

THE HON. DR. T. S. S. RAJAN :—" There are certainly more considerations than the question of finance."

SRI R. SURYANARAYANA RAO :—" May I ask, Sir, if the public are justified in thinking that those on the Treasury Benches have a very conservative outlook where the employment of women arises? "

THE HON. DR. T. S. S. RAJAN :—" Certainly not, Sir."

SRI R. SURYANARAYANA RAO :—" Then, may I know, Sir, why even in the National Cadet Corps, they have not created a Girls Division? "

MR. PRESIDENT :—" That is a different question."

Mrs. M. N. CLUBWALA :—" Is the Hon. Minister aware that we have had only one woman patroller for several years and why do the Government take such a long time to decide on the need for another woman patroller? Is it not very imperative that we should have a few more women patrollers and if the finances of the province do not permit it, cannot we at least replace some men police by women police? "

THE HON. DR. T. S. S. RAJAN :—" Patrollers are quite different from policemen and they are employed for quite a different purpose, which more or less pertains to the field of women whereas police service is something very different."

DR. SYED TAJUDDIN :—" May I know, Sir, if the Government will see their way to appoint a few voluntary patrollers? "

[21st November 1949]

THE HON. DR. T. S. S. RAJAN :—" That is a question which has to be considered afterwards; there is the question in that case of the difficulty of managing voluntary workers."

Opening of special hospitals for incurables and for children's diseases.

* 42 Q.—Mrs. M. N. CLUBWALA: Will the Hon. the Minister for Public Health be pleased to state whether the Government are contemplating opening of special hospitals for incurables and whether the Government have an intention of opening a hospital specially for children's diseases?

THE HON. DR. T. S. S. RAJAN :—" The Government have considered the question of constructing a house for chronic and incurable cases and have dropped it on account of financial stringency. They are now considering instead the question of rendering financial aid to the Indian Red Cross Society for the starting and maintenance of a hospital for incurables on the foreshore of the Cholavaram lake, to which may be transferred chronic and incurable cases who come to the City State hospitals for treatment.

" In view of the financial position the Government have no intention of opening a hospital for children's diseases.

" I might also inform the hon. Member that there are hospitals for children in the City and they are all functioning very satisfactorily."

Mrs. M. N. CLUBWALA :—" May I ask the Hon. Minister, what happened to the request of the All-India Women's Conference for special hospitals to provide for the needs of women cancer patients? "

THE HON. DR. T. S. S. RAJAN :—" That does not arise out of this question."

Mrs. M. N. CLUBWALA :—" They are incurables and the question is about incurables? "

THE HON. DR. T. S. S. RAJAN :—" Treatment of patients suffering from cancer has been the subject matter of questions in the other House and in reply to a series of questions, I have replied that the Government have taken the question of cancer on hand and that they have formulated certain schemes."

Rehabilitation of displaced persons from the Tungabhadra Project area.

* 43 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Public Works be pleased to state what the decisions are of the Departmental conference recently held on the question of the rehabilitation of displaced persons from the Tungabhadra Project area?

[21st November 1949]

THE HON. SRI M. BHAKTAVATSALAM :—“It was decided—
 (i) to render assistance to the displaced population even if it involved some extra expenditure;

“ (ii) to make extra provision in the estimates for the project to cover the cost of resettling the displaced population; and

“ (iii) to put a suitable officer on special duty to study and prepare a detailed scheme for resettlement and to give him some broad instructions on the lines settled at the Conference.”

Enforcement of the rules for road safety.

* 44 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Finance be pleased to state—

(a) what steps, if any, have been taken to enforce the rules framed under the Madras Road Traffic Code, 1940, for road safety;

(b) whether the Government have inaugurated or propose to inaugurate a scheme to educate the public in the rules of the road;

(c) whether any provision exists now in the scheme of studies in schools and colleges conveying lessons in the rules of the road;

(d) whether statistics of casualties on the roads are maintained, and if so, what the incidence of such accidents have been during the past three years; and

(e) what steps, if any, have been taken to prevent further increase in casualties on the roads?

THE HON. SRI B. GOPALA REDDI :—“A pretty long answer, Sir, but it does not contain any statistics.

“ (a) Mobile Police staff has been appointed in Madras City for detecting and preventing driving offences and also for educating drivers and members of the public in road manners. Necessary motor cycle combinations with loud speaker arrangements have also been sanctioned for the purpose.

“ Instructions have been issued to the Police authorities that they should enforce traffic rules strictly to prevent jay walking not necessarily by prosecution but by warning people.

“ (b) A press note was issued in June 1947 inviting the co-operation of the public in the prevention of road accidents and emphasising the need for better road sense.

“ The Government of India have agreed with the conclusion reached at the ninth meeting of the Transport Advisory Council held in November 1946 that safety first propaganda should be directed from the Centre and that the Central Government should draw up plans and provide the services of technical staff for planning campaigns, designing advertisements and posters and writing pamphlets, etc., while leaving the actual implementation of the plans to the Provincial

21st November 1949]

Governments. This Government have ratified the decision and requested the Government of India to expedite the plans for the safety first propaganda. The matter is under consideration of the Government of India.

“ A proposal is under consideration to print and sell for a nominal price a booklet for the information of the general public containing among other things ordinary rules and regulations for drivers, conductors and passengers.

“ (c) Lessons on the rules of the road and playing of safety first games are included in the syllabus for elementary schools. The Director of Public Instruction has reported that he would issue instructions to school authorities to organise school patrols to control and direct children in front of schools when going to and coming out of them.

“ (d) Yes. Statistics are maintained in respect of road accidents resulting in death or injury to persons. Quarterly returns of such accidents involving motor vehicles and annual returns in respect of other vehicles are obtained by Government.

“ The number of accidents which resulted in death or injury to persons during the past three years are furnished below so far as they are available :—

1946	1947	1948
2,397	2,346 ^a	3,355 ^b

“ (e) (1) Instructions have been issued to District Superintendents of Police and Regional Transport Officers to take deterrent action against drivers who are responsible for accidents and to have their licences suspended for long periods.”

“ (2) Mobile Police parties have been instructed to check and detect offences in the Madras City.

“ (3) Maximum speed limits have been prescribed for motor vehicles both in built up and congested areas as well as other areas and the Regional Transport Authorities have been instructed to notify such limits and enforce them subject to such lower limits as may be considered necessary in specified localities.”

SRI R. SURYANARAYANA RAO :—“ May I know whether according to the figures available the casualties are increasing in the City of Madras compared to the mufassal? ”

THE HON. SRI B. GOPALA REDDI :—“ A separate question may be put.”

^a Excludes figures for Cuddapah and Nellore which are not available.

^b Figures for all motor vehicles accidents are furnished. The number of persons killed or injured was 2,279. Figures for non-motor vehicles accidents have not been received.

[21st November 1949]

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[21st November 1949]

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DR. V. K. JOHN :—“ May I ask the Hon. Minister whether instructions have been issued to the Collectors that they need not assign lands to those who do not belong to the Congress now, although they were in the category of political sufferers in the past? ”

THE HON. SRI K. MADHAVA MENON :—“ This question relates to Siddhapuram area, and no such orders have been issued regarding that.”

SRI N. SANKARA REDDI :—“ May I inquire how many applications from political sufferers are still pending disposal in the Kurnool district? ”

THE HON. SRI K. MADHAVA MENON :—“ Whether any applications are pending for this Siddhapuram area, I cannot say, because that was not intended to be assigned originally. It is only recently we have decided to assign to outsiders permanently the surplus of land over 1,000 acres.”

DR. V. K. JOHN :—“ May I take it that instructions have not been issued not to assign lands for political sufferers, who have changed their party, not in Siddhapuram alone, but in other areas also? ”

THE HON. SRI K. MADHAVA MENON :—“ This question relates to Siddhapuram only.”

SRI R. SURYANARAYANA RAO :—“ In view of the large acreage of land involved in Siddhapuram tank area, will the Government consider the desirability of forming a co-operative farming society there instead of creating new landlords by assigning large extent of land to a few? ”

THE HON. SRI K. MADHAVA MENON :—“ The area available for assignment is all unreclaimed land extending over 2,000 acres. There is no proposal to give a large area to a few, but it is intended to be given to a large number of people. Certain political sufferers have come forward to reclaim the lands in the settlement. It is to be assigned to them for a temporary period, and not permanently. The question of permanent assignment will be taken up only after the land is reclaimed.”

DR. SYED TAJUDDIN :—“ May I inquire why not the area be given to co-operative societies for cultivation? ”

THE HON. SRI K. MADHAVA MENON :—“ If the persons to whom the lands are assigned form themselves into a co-operative society and then cultivate it, it will be very good.”

SRI R. SURYANARAYANA RAO :—“ Cannot such a condition be stipulated in the present case at the time of assignment of land? ”

THE HON. SRI K. MADHAVA MENON :—“ That is not proposed to be done in this area, because it is not likely many people will come forward to reclaim the land.”

[21st November 1949]

JANAB ABDUL LATIF FAROOKHI :—“ May I know what is the general policy of Government with regard to assignment of political land? ”

THE HON. SRI K. MADHAVA MENON :—“ I am not aware of any land classified as “ political land.” (Laughter.)

JANAB ABDUL LATIF FAROOKHI :—“ I mean assignment of land to political sufferers.”

MR. PRESIDENT :—“ I think there is a Government Order about it.”

Collection of rent by the landholders from their ryots.

* 47 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the landholders have represented to the Government that, since the passing of the Rent Reduction Act and the Zamindari Abolition Act, they are finding it difficult to collect rents from their ryots;

(b) what action, if any, has been taken by the Government to ensure due payment of rents;

(c) whether the landholders have not been able to pay peshkash and the cesses due to the Government;

(d) what the amounts of peshkash and cesses are for fasli 1357 and thereafter and what the actual receipts are (fasliwar);

(e) whether the question of Government themselves undertaking the collection of rents has ever been considered;

(f) whether, in respect of estates proposed to be taken over, the Government intend collecting all arrears of rent due from the ryots and pay the balance to landholders after deducting the peshkash and cesses due to the Government;

(g) if the answer to (f) is in the affirmative, whether, in respect of estates where reduction of rents has been notified and such reduction becomes effective from fasli 1357, there will not be a corresponding reduction in peshkash and cesses;

(h) whether the Government have made good to local bodies the amounts in respect of cesses due and if so, what the amounts paid are; and

(i) whether the Government have any definite plan in regard to rents due from ryots, method of their collection and other cognate matters?

THE HON. SRI H. SITARAMA REDDI :—“ (a) Yes. Some landholders have made representations to the Government to that effect.

“ (b) In March 1948, after consultation with certain representative landholders, the Government issued a Press Communique advising the ryots to pay 75 per cent of the rents to landholders which the latter had agreed to take. A similar Press

[21st November 1949]

Communique was issued in May 1949. The Government understand that there was some improvement in the situation as a result of these Press Communiqués.

“(c) The landholders have not been able to pay peishkash and cesses due to Government *in full*.

“(d) The amounts of peishkash and cesses due and the receipts in fasli 1357 and 1358 are as follows:—

Fasli.	Demand.	
	Peishkash.	Cesses.
	RS.	RS.
1357	47,35,659	46,59,447
1358	46,99,059	46,44,998

Fasli.	Collection.	
	Peishkash.	Cesses.
	RS.	RS.
1357	31,55,393	23,70,165
1358	15,49,849	11,24,228

“(e), (f) & (i) The attention of the hon. Member is invited to the provisions of section 3 (4) of the Rent Reduction Act and section 55 of the Abolition Act. Cesses will however not be deducted from the collections made under section 55 of the Abolition Act.

“(g) Government have considered the question and they have decided that no refund of peshkash is called for. As regards cesses, however, since they are based on actual collections of rent and as the rents will be reduced under the Rent Reduction Act, there will be a corresponding reduction in cesses

“(h) There is no proposal to pay compensation to local bodies for loss of income under land or education cess consequent on the reduction of rents.”

SRI M. NARAYANA RAO:—“ May I know when Government expect to completely take over the zamindari estates under the Zaminadri Abolition Act? ”

THE HON. SRI H. SITARAMA REDDI:—“ I cannot give any definite date. But I would call the attention of the hon. Member to the statement made by Government that they expect to finish the completion of the taking over within a year.”

SRI M. NARAYANA RAO:—“ May I know, Sir, whether some of the zamindars have asked Government to take over their estates first owing to their financial difficulties? ”

THE HON. SRI H. SITARAMA REDDI:—“ I would suggest to such zamindars to write to Government asking them that their estates should be taken over, and then Government will consider their request.”

21st November 1949]

SRI M. NARAYANA RAO:—“ May I know how many such applications have been received so far? ”

THE HON. SRI H. SITARAMA REDDI:—“ I believe a few such applications have been received. They are not many.”

SRI M. NARAYANA RAO:—“ May I know whether Government will take over those estates first? ”

THE HON. SRI H. SITARAMA REDDI:—“ It all depends upon the number of such applications we get and the area from which they come.”

SRI R. SURYANARAYANA RAO:—“ In view of the fact that the collection of cess amount has come down in 1358 fasli to Rs. 11,24,228 are not Government aware that the present position of the local bodies existing in those estates is such that they must have suffered considerably, and if so, what steps the Government have taken to rehabilitate those local bodies? ”

THE HON. SRI H. SITARAMA REDDI:—“ Those local bodies must have suffered financially, because there is less of collection there. But as to the question of help to them, that is a matter which has to be examined when local bodies take it up with the Government.”

SRI R. SURYANARAYANA RAO:—“ May I know whether Government have received any such representations from such local bodies? ”

THE HON. SRI H. SITARAMA REDDI:—“ I would request the hon. Member to put a separate question.” 11-30 p.m.

SRI N. SANKARA REDDI:—“ May I know, Sir, whether the arrears will be deducted from the amount of compensation to be paid to the zamindars? ”

THE HON. SRI H. SITARAMA REDDI:—“ Sir, the question relates to the collection of arrears of rents due from the tenants to the zamindar, and it was asked whether out of the collection of these arrears, the Government are entitled to the peishkash amount. There is no question of any reduction from the compensation amount at all.”

Proposal to close rice mills.

* 48 Q.—SRI M. NARAYANA RAO: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether the rice mills in the selected areas are proposed to be closed with a view to encourage consumption of hand-pounded rice; and

(b) if so, whether any scheme to encourage hand-pounded rice is ready?

THE HON. SRI B. PARAMESWARAN:—“ (a) No.

“(b) Does not arise.”

[21st November 1949]

Government's policy regarding housing.

* 49 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the Government have formulated their policy regarding (i) urban housing, (ii) housing of industrial workers and (iii) rural housing, and if so, what it is;

(b) whether the Government of India have intimated their policy and the amount of assistance they are prepared to give in regard to any or all the aspects of housing and if so, what their offer is; and

(c) whether this Government have accepted the conditions, if any, on which such assistance is forthcoming?

THE HON. SRI N. SANJEEVA REDDI:—“(a) The Government have formulated their policy in regard to urban housing to improve which, the formation of co-operative house building societies is encouraged. The Government assist these societies by the grant of loans by assisting them in the acquisition of house-sites and by procurement of building materials like iron and steel, cement, etc. As regards housing of industrial workers and rural housing the Government have not yet formulated their policy.

“(b) & (c) The Government of India have announced their policy and the amount of assistance they will be prepared to give, only in respect of housing of industrial workers. Under their scheme the Central Government will provide an interest free loan to the extent of two-thirds of the capital required for housing industrial workers and the remaining one-third will have to be provided by the Provincial Government or an employer sponsored by the Provincial Government. The scheme is under examination.”

SRI P. R. K. SARMA:—“May I know, Sir, whether at least in regard to new industries which are going to be started, the Government will insist on the employers providing housing accommodation to their workers, before they begin to function?”

THE HON. SRI N. SANJEEVA REDDI:—“I do not know of any law, Sir, which insist on the provision of housing accommodation for industrial workers by new industries even before they have begun to function.”

SRI R. SURYANARAYANA RAO:—“May I know, Sir, whether the industrialists in this Province have been consulted, or whether they will be consulted by the Government, before the Government send their reply to the communication of the Government of India?”

THE HON. SRI N. SANJEEVA REDDI:—“Certainly, Sir, if the industrialists are prepared to act according to the conditions of the Government of India scheme the Provincial Government would do everything possible to support them

21st November 1949]

“(3) Exemption from the payment of examination fee for S.S.L.C. Public Examination and other Public Examinations conducted under the authority of the Government provided that the student concerned held the fee concession mentioned in (1) above.”

“(b) The approximate cost to the Government is about ten lakhs.

“(c) Yes. The Government have decided to discontinue the grant of further educational concessions to the children and dependants of Defence Service Personnel.

“(d) The entire expenditure is met by the Provincial Government.

“(e) The discontinuance was sanctioned at the suggestion of the Government of India.”

Assignment of lands under the Siddhapuram tank to political prisoners.

* 46 Q.—SRI N. SANKARA REDDI: Will the Hon. the Minister for Education be pleased to state—

(a) whether any action has been taken on the report of the Collector of Kurnool for assigning the lands under the Siddhapuram tank to political sufferers;

(b) whether it is a fact that more than 2,000 acres of land under the tank are still lying waste;

(c) whether the Government propose to take urgent steps to utilize the land and water there for growing some foodstuffs to ease the present food shortage;

(d) whether anybody had offered an undertaking to cultivate the lands on a temporary basis; and

(e) what steps the Government are going to take in the matter?

THE HON. SRI K. MADHAVA MENON:—“(a) Yes; the matter has been engaging the attention of the Government in consultation with the authorities concerned.

“(b) Yes (the land was not brought under plough till now as it was earmarked for the use of the Siddhapuram settlement).

“(c) The question of leaving apart 1,000 acres of arable land in the settlement for the use of the settlers and of assigning the surplus land over and above these 1,000 acres available in the settlement, to outsiders on a permanent basis is under the consideration of the Government.

“(d) The President, Kisan Congress Committee, Atmakur Sub-taluk, Kurnool district and two others, viz., Sri A. Rami Reddi and Sri K. Chenchu Reddi have represented that they are ready to cultivate the lands in the settlement with the help of the local ryots, if permitted.

“(e) The Government expect to issue suitable orders soon.”

[21st November 1949]

THE HON. SRI N. SANJEEVA REDDI :—“ I have answered this question just a few days ago in this House, and I do not have any figures now, Sir.”

Manufacture of Vanaspathi.

* 50 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Industries be pleased to state—

(a) whether the attention of the Government has been drawn to the article entitled “ Research on Vanaspathi ” published in the *Harijan* of 29th May 1949 at page 101 and the article entitled “ Hydrogenated Oils ” published in the same journal on 25th September 1949 at page 246;

(b) whether the Government have taken any action to prevent the manufacture of vanaspathi; and

(c) if not, why not?

THE HON. SRI H. SITARAMA REDDI :—“ (a) Yes, Sir.

“ (b) & (c) Pending the results of the investigations that are being conducted at the instance of the Government of India on the nutritive value of vanaspathi, the Government do not propose to discourage the manufacture of vanaspathi.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, if the writer of this article has said that there are different views in regard to the nutritive value of vanaspathi and that he has dealt with only one aspect of it? ”

THE HON. SRI H. SITARAMA REDDI :—“ Sir, let me read an extract of an article which appeared in the *Harijan* by one of the writers. He says ‘ . . . ’ But I should like to base the case against vanaspathi on grounds other than health reports of experts. Unfortunately, the profession of technical experts has become as mercenary as any other and it would not be difficult to get another body of experts of equally high degree to produce a report of just the opposite type of the above . . . ”

DR. V. K. JOHN :—“ Will the Government constitute a committee of experts to examine this question and then come to a decision in the matter, and not be guided by the views of any writer of articles in journals? ”

THE HON. SRI H. SITARAMA REDDI :—“ That is a very difficult matter to reply now. In case we propose to constitute a committee of experts, we will take the assistance of my hon. Friend in that committee.”

JANAB K. T. M. AHAMED IBRAHIM :—“ Is it not a fact, Sir, that one of the committees which examined this question of the nutritive value of Vanaspathi and Vanaspathi products has come to the conclusion that they are deleterious to the health of the person and that their manufacture should be discouraged? ”

21st November 1949]

THE HON. SRI H. SITARAMA REDDI :—“ That might be, Sir, but what I have read now relates to an article written by some person in the *Harijan*.”

DR. SYED TAJUDDIN :—“ May I know, Sir, if the Government are aware that a number of hawkers go about the streets selling adulterated ghee, with more than 50 per cent of vanaspathi mixed in it, and if so, will the Government take steps to prevent its sale by such hawkers? ”

THE HON. SRI H. SITARAMA REDDI :—“ One of the steps proposed to be taken is to insist on the colouring of vanaspathi and vanaspathi products, and that is the suggestion of the Government of India, so that if there is any adulteration, it could easily be detected.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—DISCUSSION ON THE SUPPLEMENTARY STATEMENTS OF EXPENDITURE FOR THE YEAR 1949-50.

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, we are very thankful to the Hon. Minister for Finance for the very lucid explanatory notes given to the various demands that have now been placed before the House. Sir, on an occasion like this, when this House can only discuss and has not the power to vote, you will show us some indulgence, Sir, if we deal not only with matters of policy, but also go into certain details.

“ Sir, let me first take the demand under Grant 1—Land Revenue. The Hon. Minister for Finance was prevailed upon to provide additional staff for the Special Officer for Reduction of Rent in estates. Sir, I quite agree that when we enact some law or launch upon a new scheme, if we want it to be expedited, the officer in charge of the scheme, or the officer responsible for the implementation of the law, is entitled to ask for additional field staff. But I cannot understand the need for a greater staff in the office of the Special Officer, than the staff required for field work. You know, Sir, that it is the field staff that do all the work relating to rent reduction and all their work comes to the office of the Special Officer in a cooked form simply for being scrutinised and checked. I therefore suggest, Sir, that when such demands are made by the heads of departments, the necessity for the increase of staff at headquarters is scrutinised more carefully, because most of the work that is to be done is only by the field staff, and that scrutiny and checking alone are done by the staff at the headquarters office.

“ Then, Sir, I come to Settlements. Under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, the Government find it necessary that there should be a Director of Settlements and a number of Settlement Officers under him. I do not think, Sir, that when settlement operations were in force in the ryotwari areas in former years, we had a Director of Settlements in the office of the Board of Revenue. There was only a Member of the Board of Revenue who was called the Commissioner for Settlements, who looked after the work of settlements in the districts and there

[21st November 1949]

DR. V. K. JOHN :—" May I ask the Hon. Minister whether instructions have been issued to the Collectors that they need not assign lands to those who do not belong to the Congress now, although they were in the category of political sufferers in the past? "

THE HON. SRI K. MADHAVA MENON :—" This question relates to Siddhapuram area, and no such orders have been issued regarding that."

SRI N. SANKARA REDDI :—" May I inquire how many applications from political sufferers are still pending disposal in the Kurnool district? "

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DR. V. K. JOHN :—" May I take it that instructions have not been issued not to assign lands for political sufferers, who have changed their party, not in Siddhapuram alone, but in other areas also? "

THE HON. SRI K. MADHAVA MENON :—" This question relates to Siddhapuram only."

SRI R. SURYANARAYANA RAO :—" In view of the large acreage of land involved in Siddhapuram tank area, will the Government consider the desirability of forming a co-operative farming society there instead of creating new landlords by assigning large extent of land to a few? "

THE HON. SRI K. MADHAVA MENON :—" The area available for assignment is all unreclaimed land extending over 2,000 acres. There is no proposal to give a large area to a few, but it is intended to be given to a large number of people. Certain political sufferers have come forward to reclaim the lands in the settlement. It is to be assigned to them for a temporary period, and not permanently. The question of permanent assignment will be taken up only after the land is reclaimed."

DR. SYED TAJUDDIN :—" May I inquire why not the area be given to co-operative societies for cultivation? "

THE HON. SRI K. MADHAVA MENON :—" If the persons to whom the lands are assigned form themselves into a co-operative society and then cultivate it, it will be very good."

SRI R. SURYANARAYANA RAO :—" Cannot such a condition be stipulated in the present case at the time of assignment of land? "

THE HON. SRI K. MADHAVA MENON :—" That is not proposed to be done in this area, because it is not likely many people will come forward to reclaim the land."

[21st November 1949]

and give them financial assistance if necessary in regard to the housing of industrial workers and they will certainly be consulted in the matter."

SRI R. SURYANARAYANA RAO :—" Will not the Government take the initiative themselves and ask the industrialists whether under these conditions, they are prepared to build houses for their workers and if they fail to do so, the suggestion made by my hon. Friend Mr. Sarma may be considered? "

THE HON. SRI N. SANJEEVA REDDI :—" That suggestion will be considered, Sir."

SRI P. R. K. SARMA :—" May I know what the Provincial Government propose to do in regard to their own industrial workers in the matter of housing them? "

THE HON. SRI N. SANJEEVA REDDI :—" If our financial position improves, we will certainly do our best in that matter, Sir."

DR. V. K. JOHN :—" May I know, Sir, the date on which the Government have formulated their housing policy and whether any steps have been taken to implement their policy? "

THE HON. SRI N. SANJEEVA REDDI :—" We are examining the question, Sir, and immediately we take a decision in the matter, we shall place it before the House."

DR. V. K. JOHN :—" Am I to take it, Sir, that the policy has not yet been formulated, but is only being examined? "

THE HON. SRI N. SANJEEVA REDDI :—" It has not yet been formulated, Sir."

DR. V. K. JOHN :—" From the reply to a former question put to the Hon. Minister, I understood him to say that the Government have formulated their policy, but now the Hon. Minister says that their policy has not been formulated. May I know, Sir, what is the correct answer? "

THE HON. SRI N. SANJEEVA REDDI :—" I believe, Sir, that I have replied that with regard to the co-operative house-building, the policy has been formulated, but not with regard to industrial housing."

SRI K. MANATHUNAINATHA DESIGAR :—" May I know, Sir, whether the Government will consider the question of providing houses for agricultural labourers? "

THE HON. SRI N. SANJEEVA REDDI :—" That question comes under rural housing schemes, Sir, and it will be considered along with rural development schemes."

SRI R. SURYANARAYANA RAO :—" Sir, as a result of the Government's urban housing policy, may I know how many houses have been constructed since the policy was formulated? "

[Sri R. Suryanarayana Rao] [21st November 1949]

used to be Settlement Parties with Settlement Officers and Assistant Settlement officers doing the work. It was the Settlement Commissioner who went round the districts and supervised the work of these Settlement parties. I mention this fact, Sir, because we have a separate Member of the Board of Revenue in charge of these estates abolition and I ask, could he not look after the settlement operations also? I should like to ask the Hon. Minister for Finance to examine the number of staff working in the headquarters office and the number working in the field and see whether it is necessary to have such a large staff at the headquarters to scrutinise the work of the field staff, and whether there are not too many officers to look after the whole work. Perhaps, if the work increases, they may have even an additional Settlement Commissioner. Sir, with my knowledge of settlement operations in the past, I feel, both the Member of the Board of Revenue as well as the Director of Settlements are superfluous. As it stands, the settlement operations have yet to begin. Only when the settlement operations have commenced, the necessity for inspection will arise and then only will come the scrutiny of their records, in the office of the Board of Revenue, after the records are received by them. Now, Sir, I do not know whether there is enough work for both the Director of Settlements as well as the Fourth Member of the Board of Revenue. I would therefore suggest to the Hon. Minister for Finance, who is now anxious to save as much as possible, to examine the need for these two officers and see whether the work could not be carried on with a single officer for the time being.

"Then Sir, let me come to the demand under Forests. There is a provision for the creation of a special forest division for looking after the casuarina plantations. The Hon. Minister for Law knows, when he was in charge of Forests, that I took strong objection for the appointment of a Forest Officer to look after our Hagari plantations. A senior Forest Officer who is now the Conservator of Forests was in charge of the plantations along the river Hagari. That is a work which can be attended to by a Range Officer with a number of guards assisting him. If for every little extension of forest area in any place, you go on creating special appointments, then Sir, I ask, what is the work that the normal Forest officers have to do? If they have more work to do, then divide the district into two and have two District Forest Officers for that area. (The Hon. Sri B. Gopala Reddi: It would be more costly.) I should like to ask the Hon. Minister in charge of Forests to consider this aspect of the question and if he feels that this division is necessary, then by all means appoint them.

"Then Sir, under the Chief Electrical Inspector, there is an independent Government Auditor, in lieu of the existing company auditors for auditing the accounts of the licensees of electric companies. How can this auditor take away the functions, which the company auditors have to perform under the Indian Companies Act? The companies have their accounts audited by their own auditors, and if the Chief Electric Inspector is not prepared to accept the accounts audited under the Indian Companies Act by certified auditors, he can perhaps have them scrutinised in his office."

21st November 1949] [Sri R. Suryanarayana Rao]

"Why should one independent Government auditor be appointed? He can never take the place of company auditors. Under the Indian Companies Act every company is bound to appoint its auditors. I do not know whether there is something wrong in the wording 'in lieu of the existing company auditors'."

"I now come to the Madras Compulsory Labour Act, 1858. Sir, we all know that kudimaramath has been a failure. Why should the levy of a cess on the ayacut benefited by the kudimaramath liability be postponed till 1951-52? Is it because the Irrigation Bill is not ready? Could not those few provisions which affect this kudimaramath liability be brought forward in a Bill immediately so that the State may be saved the expenses? Under kudimaramath, I believe every ryot is bound to give some labour or levy instead. If he is not able to give, you can collect the amount from him. I wish it is not postponed till 1951-52, but taken up immediately so that this kudimaramath liability may be fixed on the ayacutdars.

"Sir, I have already referred to the Board of Revenue, and the appointment of a Member for work in connexion with the Madras Estates (Abolition and Conversion into Ryotwari) Act. I have already pointed out to Government how the two appointments, in my opinion, are superfluous.

"I now come to the question of grant of lands to political sufferers. It arises from the fact that Government had to employ extra staff in order to dispose of the applications pending in the districts. I am one of those who is not against anybody deserving of help, whether he is a political sufferer or ex-serviceman, or the I.N.A. man from getting it. If any one wants work and is willing to produce, he should be assisted. But when an attempt is made to take away lands which have been under cultivation by ryots (during the last three or four years under the Grow More Food campaign) who have put their money and labour into those lands, just about the time when they are to reap the benefits of their labours, I am constrained to say it is not fair. These lands are sought to be taken away mercilessly without compensation, for giving to those who are political sufferers. Even this I do not mind if these political sufferers go and settle down, and cultivate these lands and are willing to become cultivators. Cases have come to my notice which I have brought to the notice of the Government that they lease these lands to others. Some of them have not even entered into the lands given to them, while those who were cultivating them before have already been ousted by the Collector. I ask, Sir, is it fair? The Government Order—to which the Hon. President referred, and a copy of which I have with me—says that they must cultivate the lands within a period of three years. Let us remember the period fixed for self-sufficiency is 1951. From 1949 you allow the political sufferers, who get lands, time to cultivate the lands before 1952. Till then those lands may lie fallow. You cannot take them back, because you have assigned them to those people. Is this helping the Grow More Food campaign? I do not know how the Hon. Minister for Food and the Hon. Minister for Agriculture agreed to such a condition being inserted in the Government Order. If the people are willing to enter on these lands and cultivate them

[Sri R. Suryanarayana Rao] [21st November 1949]

immediately, by all means give them those lands. But you give them time till 1952. This means that you can think of resuming the lands only after 1952, if they do not cultivate the lands before then. All that the Government are doing is against the Grow More Food campaign, and I was tempted to write in a letter to Government that they are encouraging Grow Less Food campaign. This is not the time to give effect to our political opinions and to show our favouritism in political matters. It is time we grow more food. Does this system assist the Government in growing more food? I maintain and I am prepared to prove, and I have written a lot of letters to the Hon. Premier and the Hon. the Revenue Minister that this system of taking away the lands from those who are now cultivating them and assigning them in favour of the political sufferers, will lead to decrease in cultivation. Our friends are not interested so much in cultivation. Moreover they must have sufficient money. Most of the political sufferers are poor. What is the security on which the Government can give them loans? There are so many difficulties in the way of cultivating lands. Anybody who owns lands will know the difficulties. In spite of all this, the Government wish to pursue their own policy. I am assured that they see no reason to change their policy. I wish them God-speed, but the Province is going to suffer on account of their policy.

"I now come to another important matter relating to the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948. I find that the Government have sanctioned the payment of commission to the headman, karnams and talayaris engaged on the collection work at 2 per cent, 1 per cent and 1 per cent, respectively, of the actual collections. I do not know the revenue setup in the zamindari areas. But I believe that in spite of the estate being styled as zamindari, there were karnams, headman and talayaris. It may be that they were not attending to collection of rent on behalf of the zamindar. Why should this 2 per cent, 1 per cent and 1 per cent, respectively, of the actual collections be paid to them? Is it because the Government find the ordinary process of collection, as in ryotwari areas, not suitable to the zamindari areas? Is it because that system, sooner or later, must be introduced in zamindari areas? It looks as though Government are becoming a trading concern. They want to give commission to those who collect more. The sum provided for payment of commission is a large one, i.e., Rs. 21.26 lakhs per annum."

MR. PRESIDENT :—"Is the hon. Member still on No. 1?"

* SRI R. SURYANARAYANA RAO :—"I came back, Sir, because this subject occurs in so many places. I am very pleased to note that Government have changed their policy regarding grants for building and equipment of colleges. May I know what happened to the suggestion we have made time and again in this House that many of the institutions, however much they may try their best, in view of the high cost of building materials, may not be able to find the balance of amounts required to put up suitable buildings to house their colleges? The Government grant shall not exceed Rs. 75,000 in the case of first grade colleges and Rs. 50,000 in the

21st November 1949] [Sri R. Suryanarayana Rao]

case of second grade colleges. Some of us suggested more than once that the balance to the extent the managements require might be given in the shape of loans to assist the management to bring the buildings into existence. If it were ordinary times when the cost of buildings was low, perhaps these managements would have managed with this Rs. 75,000. The maximum grant is Rupees 75,000, and in most cases the cost of building is much more. Unless somebody like the authorities of the Loyola college manage to go to far off Delhi and have the grant transferred to Post-war Development Schemes and secure half grants, it will not be possible to secure more help. This procedure relating to Loyola college was brought to our notice last time in this House when the hon. Mr. Avinashilingam Chettiyar was in charge. I would like the Government to consider this point. Otherwise most of the institutions will not be able to avail of the grants given, and even if they avail of them they will not be able to put up decent buildings to house their colleges, I do not know whether Rs. 10,000 for equipment will be enough in these days. In all these matters, as far as possible, these institutions should be assisted, revising the grant-in-aid code, if necessary, in order that they may provide all the facilities necessary for the development of collegiate education. I plead that similar concession should be shown to high schools as well.

"I am very pleased to see that the Government have after all seriously taken up the question of anti-malarial operations in certain villages of the Karkal taluk and in the Kurnool district. I wish that the basis on which the grants are given is altered. I have pleaded more than once in this House that the same rule cannot be applied to all districts. There are poor district boards as well as affluent district boards. If the same rule is applied to all district boards, the few thousands of rupees they are able to get from taxes and cesses will be absorbed by these anti-malarial operations. I would like the Government to consider each case on its merits and not throw out any proposal simply because the district board concerned is not able to bear the expenditure which is assigned to it.

"I now come to Agriculture, Sir. In item (iii) (a) it is stated—

'With a view to maintain purity of seed and running seed farms in ryots' land, a special staff of five Seed Development Officers, 38 Assistants and other ministerial staff has been sanctioned in September 1949. The ultimate cost of the scheme is Rs. 1,55,400.'

"In paragraph (b) it is stated—

'A staff of one hundred additional Agricultural Demonstrators has been sanctioned. The ultimate cost of the scheme per year is Rs. 3,02,700.'

May I ask, Sir, why these Special Seed Development Officers are necessary? We are increasing the number of Demonstrators. Can they not attend to this seed development business in the course of their normal duties? Are their normal duties so onerous as to leave no time to attend to this seed development work, which is important and which must form part of their normal work? Why these Seed Development Officers are necessary, and that too five officers? Perhaps their jurisdiction extends to a number of districts, and the travelling allowance involved is bound to grow. It will not stop with Rs. 1,55,400. I would like the Hon. Minister for Agriculture

[Sri R. Suryanarayana Rao] [21st November 1949]

as also the Minister for Finance to examine whether the normal agricultural staff cannot attend to this work, and why they should not attend to it.

12 noon. "Then I come to the portion relating to tractors, pumps, pipes, Pluto pipe lines and so on. From the answers which the Hon. Minister for Agriculture gave me earlier to-day, it looks as though this Government will be required to recast their plan in regard to tractors, pipes, etc. It is said—

"With a view to giving facilities to the agriculturists for securing electric motors starters, switches and other articles like pipes, sanction for the opening of a Central Agricultural Engineering Stores and Supply Centre was accorded in May 1949. The net cost of the scheme during 1949-50 comes to Rs. 22,66,000."

I hope some of the cost would be got back by the sale of the articles. I think the Hon. Minister for Public Works knows that before an electric motor is purchased, various technical details must be available. If we go to Marshall & Co. and ask for an electric motor and pump, they ask us to fill up a form in which so many particulars have to be furnished. How can a central stores located in Coimbatore know the requirements of a ryot in the far-off Tirunelveli district? Only when he applies, the stores can purchase on his behalf. To purchase and keep things in the stores without knowing the actual requirements of the ryot is nothing but bad business."

MR. PRESIDENT:—"I do not know what the hon. Member means. The Government know the voltage of the current supplied. It is only the horse-power of the motor that differs."

* SRI R. SURYANARAYANA RAO:—"There are certain particulars which we have to supply. I do agree that the Government should assist the ryot to purchase his agricultural requirements. To purchase and stock them in a central stores without knowing the actual requirements is bad business."

MR. PRESIDENT:—"That is only to do away with the delay involved in the ryot applying and then purchasing."

* SRI R. SURYANARAYANA RAO:—"The Government can act as a liaison between the ryot and the seller."

MR. PRESIDENT:—"That will take a lot of time."

* SRI R. SURYANARAYANA RAO:—"I do not think it will take a lot of time. That is my view."

"The Government are going to have two tractor workshops, one at Bapatla and the other at Coimbatore. If a tractor goes out of order, it will have to be brought all the way to the workshop. There must be mobile workshops to go round and repair the tractors. I think it is not worth while spending a vast sum and maintaining two workshops in central places to attend to the repair and maintenance of tractors and other agricultural machinery. I have not heard of Pluto pipe lines and I do not know what they are. I am saying this not because I am against the ryot being assisted in all possible

21st November 1949] [Sri R. Suryanarayana Rao]

ways in getting what he needs for increasing food production, but because I am not sure whether these government agencies will really assist him in securing his needs quickly.

"The Government have sanctioned the construction at Coimbatore of office buildings for the staff employed in connexion with the scheme for the breeding of Long Staple American cotton as a winter crop in the central districts and Sea Island cotton in the West Coast of this Province. The scheme also includes construction of seed-farm stores, implement shed, cattle-shed, hot-culture shed, etc. I think research schemes are tried in the fields in localities where cotton growth is encouraged. I do not know why a place like Coimbatore is chosen for the purpose."

"Speaking on co-operation, may I request the Hon. Minister for Finance to come to an early decision on the question whether the audit of societies should be divorced from administration or continue to form part of the administration. The question has been pending for a long time and no decision has been arrived at. I am very glad that all the staff required for the intensive supervision and audit of societies has been provided."

"The Government have decided to send some grama sevaks and Firka Development Officers for training in village industries in the method of Nai Talim at Wardha. I understand that recently the Government of India have brought down some Japanese technicians for giving training in cottage industries. I do not know whether our Government have taken advantage of this and have arranged to send some technicians to learn cottage industries under the Japanese technicians."

"There is provision for the purchase of what is known as 'Silver Hills' in Kozhikode for the purpose of locating some offices of the Chief Inspector of Certified Schools. It is not clear why the acquisition of buildings in Kozhikode was considered necessary when the Chief Inspector of Certified Schools has no office there. I would like to know what departments are to be located, whether it is proposed to have more certified schools there and how the 'Silver Hills' is going to be used."

"The Government have provided Rs. 81,07,500 for the purchase of 250 road-rollers by the Highways Department. May I know whether there were no road-rollers when the roads were under the local boards?"

THE HON. SRI B. GOPALA REDDI:—"They were all taken over by the Military Department."

SRI R. SURYANARAYANA RAO:—"I presume that the Military Department have not returned them. Then, have they given compensation?"

"Whether these road-rollers come from the dollar area or sterling area is a matter for the Hon. Finance Minister to consider."

[Sri R. Suryanarayana Rao] [21st November 1949]

" Sometimes differential treatment is accorded in giving grants for water supply schemes. Mangalore Municipal Council is given half-grant and the other half is treated as loan. But the Palayamkottai water-supply scheme is estimated to cost Rs. 28.18 lakhs and the Municipal Council will be able to find a sum of Rs. 7.5 lakhs inclusive of a loan of Rs. 4.5 lakhs from Government. The balance of Rs. 20.68 lakhs has to be given as a grant by Government. I would like to know whether the Hon. Finance Minister has satisfied himself that this preferential treatment is absolutely necessary and whether the finances of the Palamcottah Municipality are better or worse off than those of the Mangalore Municipality."

THE HON. SRI B. GOPALA REDDI :—" The hon. Member himself pleaded . . ."

(Sri R. Suryanarayana Rao was still standing.)

MR. PRESIDENT :—" Whenever any Hon. Minister or member wants to intervene, the hon. Member should give him an opportunity to say what he wants to say and either yield or not yield. If he yields, let him allow the hon. Minister to finish his speech."

* SRI R. SURYANARAYANA RAO :—" I am sorry. Generally I do that."

" I know I pleaded. But the disparity is so great that I ask the Hon. Finance Minister, who is the ultimate authority in giving this concession, whether he is satisfied that the finances of Palamcottah Municipal Council are really so bad as to deserve this concession. If the municipal finances are bad, I have no objection to the Government giving the help."

" There are so many other points on which one would like to talk for hours. I think I have already tired your patience though my patients is not tired. I noted down only those points on which I wanted to speak."

MR. PRESIDENT :—" The hon. Member knows full well that my patience is inexhaustible. But I want to save the patience of the House. Let the hon. Member finish in five minutes."

* SRI R. SURYANARAYANA RAO :—" It is seen from the items coming for supplementary grants that there has been considerable revision of estimates due to increase in the cost of construction and the goods purchased. Take the polytechnics. Each polytechnic was estimated to cost Rs. 7 lakhs but now it costs Rs. 16 lakhs. I realise how difficult it is for the Hon. Finance Minister to approve or reject the supplementary estimates when they come up before him. Though all these schemes have been adopted in the past, I would like him to re-examine them—at least those schemes which have not yet been given effect to—put off such schemes as are not absolutely necessary for some time and

21st November 1949] [Sri R. Suryanarayana Rao]

take up only those schemes that are necessary to promote the prosperity of the common man and the villagers, so that the finances of this Province may not be put to considerable strain."

* MRS. M. HENSMAN :—" Mr. President, Sir, I thank you 12-11
for giving me an opportunity to speak though just at the moment p.m.
I am not quite ready to make the most of my opportunity. However, I wish to make a few observations, Mr. President, partly after hearing the hon. Member who just spoke before me and partly after a perusal of the supplementary budget. I do not intend to embark on a long speech, or any detailed remarks about any one subject."

" I would particularly like to speak about the purchase, that is money set aside for the purchase, of the 27.55 acres of land in the Wynad District for the purpose of a certified school. The hon. Member who spoke before me seems to feel that there are ambiguities in allotting that land. I take it from a perusal of the supplementary budget that it is intended to improve the certified schools of the Presidency for children, and to acknowledge that the juvenile delinquents of this Province have been very badly treated up to now. They have been scattered in different parts of this Province. The Government have not been able to implement their progress—mental, moral or physical. The Hon. Law Minister has proclaimed that the Government have now decided to consolidate the Certified School work in this wonderful plan. This is a very beautiful place set apart for the progress of children. It is imperative, and I hope that this is going to be made a place like that, where a scheme can be implemented at as little cost as possible where the children can grow their own food. Even now, in the City, they are under very difficult circumstances but manage to grow their own vegetables in Pantheon Road, and Tondiarpet. Wherever possible, the boys must have a wide range of projects and works that would suit them, and interest them."

" I would like to congratulate the Government, Mr. President, on the provision made for increased Police accommodation in Salem. Salem Police have had a very difficult time, not that the Police elsewhere have not also had difficult times, but the Salem Police are placed in specially trying circumstances and are very badly accommodated. I would therefore like to congratulate the Government for providing extra Police accommodation in Suramangalam and for providing about half a lakh of rupees expenditure for this. I would like however to mention that this half a lakh is going to be spent only on temporary accommodation. I think when the Prohibition scheme is properly implemented, crime is going to be less. Thus it may be that the Government hope that this temporary accommodation would be allowed to lapse. But I trust that this matter will be judged fairly by the department in question and proper accommodation will be built in future for all those working at high tension."

[Mrs. M. Hensman] [21st November 1949]

"Then there is the Tungabhadra Camp Jail Project which is talked over in the many Provinces concerned with the project. I may tell that the jail has been treated very badly up to now. It has no electrification and I am glad that half a lakh has been provided in the supplementary budget for the electrification of this project. It makes the work of all the people, the staff and the Officers very much more difficult if there is no proper light in a jail.

"There is one department, which seems to be overstaffed and that is in regard to the Co-operative Societies—let me not say overstaffed, because I am sure each member of staff is needed—and perhaps I should say that the allowances made for wages and salaries in Co-operative Societies should be the same as those allowed for everybody in every other department and vice versa. I feel that the other departments should also be treated as generously as this department. If the needs of the Registrar of Co-operative Societies is unusually heavy, there are many other departments whose needs are also equally heavy. No doubt, the Co-operative Societies have been doing splendid work and their work has been increasing, but I may mention that the same is the case with other departments also—Education, Highways, Buildings, etc. So I trust that a comparatively generous allowance will be made for all departments in the next budget.

"Now coming to the Veterinary Department, Sir, I must say that this Department has been treated very badly in the past. Sir, the Veterinary Hospital here, of which I have the honour to be a Visitor, has been improved very greatly in the last three years, and the College Department and other departments concerning the treatment and care of animals have been gradually developing. Cattle in this Province are very badly treated and not properly provided for. I plead with the Hon. Ministers concerned to set **apart in the coming budget a very substantial grant** for the improvement of cattle and other animals in this Province. We may be going to bring a Bill against slaughter of cattle, Sir, but are we now realising the value of our cattle wealth? I think that all facilities for cattle welfare work must be given to the Veterinary Department and trust that a big amount will be provided for in the budget that will be submitted in March 1950. The same applies to the case of other draught animals and horses, goats, etc.

"Public Health, Sir, has been treated very sturdily. Here, I would suggest one point with regard to the deputation of students abroad. This question of deputation of students for the study of Public Health abroad should be a matter of priority consideration with the Minister for Finance. I know there is devaluation and the dollar problem. Sir, but the value to our country of doctors deputed abroad for Public Health is not to be counted in rupees, annas and pies. I trust that even if we go short in something else, students will be sent abroad in Public Health. The Government may give increased facilities to this object. We can institute

21st November 1949] [Mrs. M. Hensman]

scholarships or arrange exchange appointment for some of these students. I request the Minister for Finance to allot in his budget for March 1950 a large grant, much larger than in the past for deputation of students abroad in connexion with Public Health.

"My friend who has spoken before me, has dealt with the question of education. I will only request the Hon. Minister for Education, who has been kind enough to be present here, for this debate to make the grants for colleges that have already had completed schemes. I think it is imperative to sanction the necessary grants without delay. There is one Men's College for men to which a grant of over a lakh and quarter of rupees is due for the year 1948. There is a Women's College which has got to pay bills for Rs. 35,000 for its science and other laboratories apparatus at once. I do not know whether the poor Principal will be put into jail if not able to pay this amount. If we are to wait for grants from the Centre, it is going to be impossible to meet the demands of these Colleges. I feel, Sir, that grants when the necessary details are supplied and when they are applied for, should be automatically handed over to the parties concerned after the proper vouchers for the purchase of the scientific apparatus, etc., have been checked. Although the Government may be handicapped in money, education should not be handicapped for want of money and I trust that necessary grants will be made available immediately for the amounts due for 1948-49.

"Lastly, I would like to mention one point with regard to 'Miscellaneous'. My hon. Friend Mrs. Clubwalla has been urging the need for women police and women patrollers, and women police officers. For many, personalities may not matter as much as money. Many may think that this suggestion is merely a luxury. It is a real necessity. This is not a luxury, or not an amenity, for no civic life is possible without law and order. It is perhaps too late now to provide for a grant under this item in this Budget, but I appeal to the Government to provide a big grant in their March budget for these schemes which are not facilities or amenities to the public, but mere necessities for implementing such Bills as Dr. Muthulakshmi Reddi put on the statute book and for keeping our towns and cities such as we would like them to be. A budget must meet the views of the people of the Province."

* JANAB ABDUL LATIF FAROOKHI:—"Mr. President, Sir, this supplementary budget which has now been presented and on which there has been a discussion now, seems to be a budget presented on no principle. We discuss about it as we have no other go. Sir, in any budget, we have got two main features. One is, there is expenditure on items already sanctioned and approved by the Legislature. The second is there are new items on which the sanction of the Legislature has to be taken. The preamble of the supplementary budget says:—"The supplementary statements now presented to the Legislature relate to expenditure on 'new service' schemes already sanctioned in the course of the current year and for which there is no provision in the Budget

[Janab Abdul Latif Farookhi] [21st November 1949]

Estimates for 1949-50 and 'new service' schemes which will be sanctioned after the Legislature has voted the supplementary demands". We have to note the words 'voted by the Legislature.' Now, Sir, if you actually peruse the supplementary budget—I am sure you would have already perused these demands—you will find there is not one single item for which the Government is waiting for the sanction of the Legislature. Every item has been gone through, scrutinized, examined and sanctioned. They have come to the Legislature simply to cross the T's and dot the I's. They have come for nothing else."

MR. PRESIDENT:—"Even the crossing of T's and dotting of I's could have been done by them."

12.30 p.m. * JANAB ABDUL LATIF FAROOKHI:—"Of course they could have done that. But they want to tell the world outside that the Legislature has been approached in this regard and its approval has been taken. I would like to ask, Sir, whether in an important matter like this where crores of rupees are involved, there can be such merciless extravagance of public money. Now, Sir, if we take into consideration the supplementary demands, only Rs. 100 per item is being taken and Rs. 16,300 are asked to be sanctioned. It is not known how many crores of rupees will be spent and what the receipts will be. We are only faced with expenditure. The Hon. the Finance Minister has not given us any idea of how many crores of rupees will be spent if these supplementary demands are accepted. I feel that this sort of Budgetary supplementary demands would not have been presented in the Legislature in any country if the Government felt that the Opposition was effective. It is only on account of the inability or helplessness of the Opposition to force its views upon the Government that such Demands are presented. Now, there are 163 items but they run to about 200 items because we have got several sub-items. I feel that many new items of expenditure can be postponed. There is financial stringency. The Government of India are not prepared to give any loan to this Government. They want to curtail the grants. Such being the case, where is the necessity for this Government to go on expending money like water and then simply ask the Legislature to endorse what they do? I do not feel and I do not say that the Ministers are not as much interested in public money as we are. But I feel that they should carefully examine the proposals and address themselves to the question as to what is to be done, when it is to be done and how it is to be done. It is reported—I do not know how far it is correct—that the Government want to defer the execution of the Act with regard to betting on horses. Well, Sir, that may perhaps be a necessity for the Government. If they commit that sin, why not they defer paying the zamindars? Why not they defer the question of preventing people from taking intoxicating drugs? I am certainly in favour of prohibition. But what I say is if they are going to defer one thing, why not they defer other things also? Certain Provinces, composed of Indian

21st November 1949] [Janab Abdul Latif Farookhi]

states, have deferred the question of prohibition. For example, Saurashtra has deferred. If the Government feel that they cannot go on without the money lost on account of the introduction of Prohibition, why should there be this demonstration of preventing people from taking intoxicating drugs, losing several crores of rupees not only in the shape of revenue, but spending more money on employing people to enforce it? Such things can be done away with. Therefore, when you do a thing, you must take into consideration whether you are able to provide finances for that or not. You have to cut your coat according to cloth. There are a number of new schemes into which the Government are entering. For instance, for the Firka Development Scheme they want additional staff with a recurring expenditure of Rs. 1½ lakhs. It is a scheme which to many people appears to be doubtful of success. From the little experience I have had of this scheme, I feel it will be a colossal failure. But Government feel that there must be firka development; they have appointed many officers and already spent some money; and now they want more money for that. How can anybody feel justified in allowing Government to spend public money in this manner?

"Sir, there is a supplementary demand for an additional Member for the Board of Revenue. Every Congressman in this House and outside, and perhaps throughout the whole of India cried hoarse during the regime of the foreign Government to abolish the Revenue Board saying that they were living upon the money of the people. Now not only has the Revenue Board been retained, but there is an additional Member of the Board. I do not know how their policy has changed after they took up office. I do not understand the necessity for this in the supplementary Budget. If at all there was a necessity, they could have taken the sanction of the Legislature when the annual Budget was presented. At the fag-end of the year when all sorts of expenditure have to be reduced, I cannot understand the reason why an additional Member of the Board of Revenue should be appointed." (Dr. V. K. John. 'Hon. Ministers are growing wiser from year to year.')

MR. PRESIDENT:—"Hon. Members are also growing wiser day by day."

* JANAB ABDUL LATIF FAROOKHI:—"Now, Sir, I come to item (x) on page 32, viz., the Andhra Paper Mills, Rajahmundry. It is now in partial production. The Government want more staff to be provided for the Mills. We do not know what profit has accrued to the Government on account of the working of the Andhra Paper Mills. The formation of the Andhra Province is in sight. Let us congratulate the Andhras on their success. Therefore, while it is in sight, why not the Government defer that matter and leave it to the Andhra Province instead of providing money in this supplementary Budget?"

[21st November 1949]

THE HON. SRI B. GOPALA REDDI :—" For the time being, the Government must be sanctioning money for the Andhra districts also till the Andhra Province can take it over."

MR. PRESIDENT :—" The Andhra districts also form part of Madras Province now."

* JANAB ABDUL LATIF FAROOKHI :—" My hon. Friend, the Finance Minister, is an Andhra and I have very great respect for the Andhras. What I meant was not that they should not be paid any money if they are going to have a separate Province, but there was no necessity to provide for it in this supplementary Budget. If the Andhra Province—God forbid—is not going to take shape until next year, you can provide for it in the annual budget. I do not, for a single moment, grudge paying money for the Andhras. On the contrary, I would plead with the Government for some money to be paid to the Andhras, because they have suffered for a long time. But my submission is that this need not have been included in the supplementary Budget.

" Sir, on page 30, item (i), you will find there is a provision made for the Government Glass Bangle Factory Centre. Perhaps the Government are very solicitous now about ladies because they want to provide bangles for ladies. (Interruption) They used to ask men 'Are you wearing bangles?' (Interruption) This may be perhaps for men like the Hon. Minister who are not courageous enough to own their mistakes. The ability of people must be conceded. Sir, I am taking a very serious view of this bangle factory. The scheme involves a non-recurring expenditure of about a lakh of rupees on building, etc., and a recurring expenditure of about two lakhs of rupees. Then, the Government estimate that after deducting all expenditure, the net profit of the Government will be about 1½ lakhs of rupees. God only knows what the profit will be; they have not worked out; they have no experience of bangles or bangle factories. Therefore, I do not know how this bangle factory is going to work."

MR. PRESIDENT :—" Why do you think the Government have no experience of bangles? "

* JANAB ABDUL LATIF FAROOKHI :—" I do not want to expatiate upon it, Sir. But I shall say they have no experience of bangle factories. It must be left to private enterprise. There is this difference between private enterprise and the Government taking up a particular industry. The Government do not feel that it is their money. Whoever may be the Ministers, whether you, I or anybody else, we are not so mindful of the money that is being spent. It is an unnatural thing if there are exceptions. If I am the owner of a factory and if I spend money on that factory, I am always looking to my loss or profits; but if the Government take up a factory, they squander the people's money and do not take much care for the running of the factory. If there is a loss to the

21st November 1949] [Janab Abdul Latif Farookhi]

Government, they approach the Legislature and ask for more money for running it. Therefore, provision for this bangle factory, even if it is a necessity, should not come up in a supplementary budget. The Government must consider their plans, have their estimates and come before the Legislature in the month of March and say, 'Well, these are the new services on which we want to embark. If you are satisfied that these services should be run, give us sanction.' That is the procedure which is more reasonable and parliamentary. But now at the lag-end of the year, when we are going to have the whole expenditure closed, for Government to come with estimates and ask the Legislature to sanction amounts is not just either to the Legislature or to the public whose money is going to be spent.

" I shall now come to political sufferers. The Government want more staff for the distribution of lands to political sufferers. Whether I am a political sufferer or not, I do not feel that anybody can disrespect the political sufferers, whoever they may be. Even with communists, if they are really political sufferers, I will sympathize. I will not sympathize with their views, ideas or actions but I will sympathize with them for their political sufferings. The Government want more money for engaging additional staff for the grant of lands to political sufferers. But the Government, to say the least, are not sincere in this effort. They are not concerned with political sufferers, they are concerned with people of their own Party. They want to distribute prizes, give manams and take away one jagir or one zamindari and give it to somebody else. As a matter of fact, the past and the present Revenue Ministers on the floor of the Assembly and this House in unmistakable language said that lands would be given to but political sufferers, notwithstanding their present political affiliations; the Government misled the people into believing that lands would be given to political sufferers, irrespective of their present political affiliations, as they have issued secret instructions to the different Collectors that lands should not be given to political sufferers who are not Congressmen at present or Socialists.

" The socialists are the enemies of the present Government. They want to stand against the Congress candidates in elections and drive them out of office. Preparations are afoot in this direction. Such being the case, I cannot understand the reason why the Government should say that among socialists also there are political sufferers. Perhaps Government are sure that the socialists are going to oust them from office and so dub them also as political sufferers lest they should grow more active to throw the present Government out of office. I know that definite instructions have been issued to the Collectors that lands should be given only to congressmen who continue to be congressmen now and not to those who have now changed over to the Socialist party. Sir, let the Hon. the Minister in charge of assignment of lands to political sufferers contradict my statement, if it is not a fact. On

12-45
p.m.

[Janab Abdul Latif Farookhi] [21st November 1949]

account of these instructions, if I may make a personal reference here, Sir, the lands given to me have been taken away. I have made repeated references to this question but no Hon. Minister has ever come forward with an answer. Is not this business designed to help your own men? Why do you hide your real complexion and take shelter under the sacred name of 'political sufferers'? Again why do you rush with this question? Why not you defer it for consideration at the proper time, that is when the annual Budget is presented before the House? Sir, all this is being done in hot haste and there is absolutely no immediate necessity for making this provision in the supplementary budget.

"Now, Sir, no supplementary budget could or would have been presented in this manner in any legislature, anywhere. It is possible only here. I ask, could such a thing have ever been possible here, if only the Ministers had had that fear hovering over them that the Opposition was strong enough to take their place in the Cabinet, if perchance they should give up office. No, they consider the Opposition's remarks as a cry in the wilderness. They are satisfied with the present position—and feel happy about it—that they can themselves do everything and finally say 'the Legislature has voted the Demands'.

"I do not want to take any more of the time of the House but would refer to one question and be done with it. The question is that of 'electricity'. Sir, large sums of money have been provided for electric projects. Of course electricity is a necessity. But I am reminded of an old proverb which says 'There is darkness beneath the lamp'. This proverb, although electricity falsified it, appears to be in a measure true in certain places. Sir, there is no electricity at a place which is only fifteen miles away from the city. There is a place called Ganapatipuram in Tambaram where there is a generator and where people go without electricity. The people in that area have begun to clamour for electricity and they say 'because some Assistant Secretaries to Government and other high officials are put up in West Tambaram, electricity has gone there, because the relatives of some of the high officials of Government are living in East Tambaram, it went there also but we are not even two furlongs away from that place and yet we are denied the benefit'. Sir, this kind of criticism is levelled against the Government and I want to put the Ministers on their guard lest they should grow more unpopular. I would advise them not to allow themselves to be attacked like this. Let not people think that Ministers exist to provide amenities for their relatives and followers only. In fact, I know that most of our Ministers are gentlemen who do not have such ideas but let not their acts, however unwittingly done, create this sort of feeling among the public that Government are for their own men and not for the public at large.

"Finally, Sir, I feel that Government should at least hereafter make it a point not to approach the House for grants at the

21st November 1949] [Janab Abdul Latif Farookhi]

lag end of the year but to do so at the proper time. For we must at least have an idea of how many crores of rupees have been spent so far, how much more will be spent and how much we will have to sanction. Sir, that is the responsibility of the legislature and that is a right which I would urge the Government to respect. I thank you, Sir, for having allowed me more time than was stipulated by you."

DR. SYED TAJUDDIN:—"Mr. President, Sir, as we have very little time at our disposal for the discussion of the Supplementary Grants, I shall confine myself only to two subjects, namely, agriculture and food. Sir, we are still passing through partial starvation and mal-nutrition. That a healthy and stable agriculture is essential for the welfare of the country at large and also of the provinces in particular is an old saying. But unfortunately, today the small peasant-farmer is completely at the mercy of the elemental forces of nature. Agriculture has become merely a gamble in our country as the monsoon on which agriculture depends is also quick and erratic in its nature. The farming methods in this country and in this province in particular are still ante-deluvian and are on an extremely low level. Harvests are equally extremely unstable and, fluctuating from season to season, from year to year. For ages, the land has been ruthlessly exploited and little or nothing has been put back on it. Most of the agricultural lands here, as elsewhere, have been sorely impoverished by centuries of erosion resulting from unwise cultivation. It is a pity that more than three-fourths of the land all over India as well as of this Province have been eroded and corroded by agencies like water and wind. Millions of acres have been damaged and millions of acres have been virtually exhausted or permanently ruined as a result of erosion by wind and water. More than three-fourths of the available crop lands, as I have said, have been very much ruined. Unless there is effective remedial action within the next few years at least, it will be a hopeless task. About 167 million acres in India, once good crop land, have been almost ruined by erosion for any further practical cultivation. This devastating process has been long at work on millions of acres and hence the urgency and importance of this problem. Our farmers should not only learn the best methods of soil conservation but they should apply them to the land. Government should make soil study and make the information available to all the farmers. Government should study what sort of price-levels would provide adequate incentive to production and supply the agricultural needs of the farmer, e.g., machinery, fertilisers, insecticides, etc. Credit systems will have to be worked out to enable the backward farmers to become adequately equipped for efficient food production. I am not, however, for the establishment of monster mechanical farms everywhere as you find in western countries. Ignorance is the arch enemy of the farmer. The provision for agricultural education is very limited in our province. Therefore, I plead, that every district should have an agricultural

[Dr. Syed Tajuddin] [21st November 1949]

college. Abundant advice to all the farmers in all the aspects of agriculture should be made available. Every university should have a Chair of Agriculture established. All our universities should give recognition to agriculture as a subject for graduation. The province should be studded with well-equipped centres of teaching. Each centre, besides giving systematic instruction to regular students, should organize lectures to farmers in the neighbourhood. They should conduct classes and demonstrations in dairying, horticulture, particularly in manual processes. Such a definite policy will bring the teaching of agricultural science within the reach of those actually working on the land. Dairy schools should be started all over. A comprehensive system of agricultural education and research in numerous directions should be promoted. New light on the breeding and feeding of livestock should be thrown and new process of dealing with soils and the maintenance of fertility should be effected. Well-equipped farm institutes, as a part of future educational schemes should be set up forthwith."

MR. PRESIDENT:—"I have to inform the hon. Member that we are discussing the Supplementary Demands. I would like to know if he has got anything to say on the subject before the House."

DR. SYED TAJUDDIN:—"I want to place these particulars before Government to help them in their food policy."

MR. PRESIDENT:—"At the time of the annual Budget, the hon. Member may give his views on such subjects. But now we are discussing the supplementary budget."

DR. SYED TAJUDDIN:—"I wanted to place certain points before hon. Members. That is all. I have nothing more to say."

* DR. V. K. JOHN:—"Mr. President, Sir, I regret to say that this is no budget at all. After the Hon. Mr. Gopala Reddi became the Minister for Finance, Sir, I have seen a progressive attempt to present the budget at the end of the year and not in the beginning. Since last year, we have had a budget for the commitments of the past year and not for the present. Now, Sir, what is presented in this budget is just an intimation that the supplementary budget will be presented in March 1950, when we shall be asked to sanction an expenditure already incurred to the tune of many crores. Last year the Finance Minister made that attempt and in the Lower House he was able to have his budget passed for the previous year. Sir, this is a very bad way of presenting a budget. In the introductory memorandum he says—

"Prior to the 1st April 1937, supplementary demands had to be presented to the Legislature when—

(1) the amount voted in the budget of a grant was found to be insufficient for the purposes of the year; or

(2) a need arose for expenditure upon some 'new service' not contemplated in the budget."

21st November 1949] [Dr. V. K. John]

"In respect of expenditure of the latter class, the practice was to present a demand for a token sum of Rs. 100 if it was found possible to meet the balance of the expenditure by reappropriation from savings within the grant."

"If you turn page after page you find demand for a new service and a demand for a token grant of Rs. 100. The Introductory Memorandum itself, rules of commonsense, the rules of finance and the rules of Legislature, all lay down that you must go for supplementary grants after giving detailed figures for expenditure when you have to spend something more than the grant already made. Now, Sir, on every page of the report it is stated that as the service is a 'new service' a token provision of Rs. 100 is made in the supplementary budget, the actual expenditure being met from the savings within the current financial year, if any, or by obtaining a supplementary grant from the Legislature in March 1950. I am sure, Sir, in every case you are going to spend crores of rupees and come before the parliament in March 1950 with a supplementary budget and say, 'We have spent huge sums without grants, but please sanction them'. It is going to be an accomplished fact and you have no escape out of it. I say, Sir, this is showing very scant courtesy to the legislature. It is irregular and illegal in the extreme."

"Sir, why could not they estimate the money required for these new services instead of asking for a token grant of Rs. 100. The reason, Sir, is the Government do not know the figures. We have found their budgets always wide off the mark. Their estimates of income and expenditure have never been correct. At any rate they were very wide off the mark, not by thousands, not by lakhs but by crores. That means, Sir, that the Finance Department of this Government has neither grip nor grasp. I say and take full responsibility for that, that considering all the circumstances and the fact that expenditure has increased by crores after they took charge and the fact that their figures are wide off the mark, the Finance Department is the worst managed department of the present Government of Madras. There is no doubt about it."

"This supplementary Demand is defective in three omissions. And what are the omissions? We had a cyclone in Andhra Desa. We have decided to spend something to relieve the distress in that area. Is there anything provided for this in the budget which covers so many pages? The cyclone occurred before this was printed. Government propose to spend substantial sums of money to the extent of crores in the cyclone affected area and that too immediately and within the current financial year. Should they not include something in the budget and present it to this House. This is one major omission in this supplementary budget. If this had been done we would have details time to discuss how much we are going to spend and what is the estimate of expenditure to be met under cyclone relief."

[Dr. V. K. John] [21st November 1949]

"Another omission is this. The other day, the Hon. the Minister for Revenue said that they were going to pay the zamindars in cash, and would not collect a single pie from the tenant, however much they may be benefited and whatever be the time they have occupied the lands. Sir, you took the view that nothing should be collected from the tenants. I took the view that something ought to be collected. Now the point is this. I know very well that it is no good for politicians to offend the tenants who are influential. They are not going to collect anything from the ryots in this Province. It was made clear in this House as well as in the floor of the Assembly that money was going to be paid in cash. Is the statement made by a responsible Minister to be taken at its face value or is it the idea that no money is going to be paid till the end of the current financial year and so no supplementary grant need be asked? I say, the expectation of the zamindars is and the expectation of the Government too is, that according to the promise made by the Government, cash would be paid down, at least a portion of money due, to the zamindars during the financial year. Where is the provision for this in this budget? Is the Revenue Minister going to ask us to consider the expenditure in March 1950 after paying crores of rupees to the zamindars in cash? I say, Sir, this is not the way to treat the House to which he must come for supplementary grants. Now, Sir, this is a sad omission."

Mr. PRESIDENT :—" It is only a proposal to pay"

* Dr. V. K. JOHN :—" If that is so, let us know, let the zamindars know that they are not going to get anything before March 1950. I leave it at that, Sir."

"There is another, more important thing now, which is as serious as the previous omission. The third omission is, there is no provision for the Grow More Food Campaign proposed to be carried out in the next two years. Of course, there are a few items in this Demand. But I have read the Government Order, dated 2nd September in respect of the two years' campaign and the expenditure connected with it is very substantial. I do not find any mention made about it in this supplementary budget, stating that we have a Grow More Food Campaign for two years and the money to be spent in the first year and that to be spent in the second year and so on. These are major omissions. Because the Finance Minister thinks, since he has got a majority in this House and a majority in the Assembly that he can present Budgets, not in the beginning of the year but at the close of the financial year. That is how these are being presented. I say, Sir, it is very irregular, illegal and showing scant courtesy to the House before which he has to bring the supplementary estimates for sanction. Then, Sir,

21st November 1949]

* Dr. V. K. JOHN :—" It is illegal."

THE HON. SRI B. GOPALA REDDI :—" I want a ruling of the President, Sir, whether the supplementary budget is illegal according to the Government of India Act."

* Dr. V. K. JOHN :—" Presentation of supplementary demands is not illegal. But the Hon. the Minister has said that the supplementary estimate is presented because it was a new service and the expenditure would be met by reappropriation from savings within the grant, if any, or by obtaining a supplementary grant from the Legislature in March 1950. In no democratic form of Government, can a Finance Minister say 'I want a token grant and I shall obtain a supplementary grant from the Legislature in 1950, at the end of the financial year.' I say, Sir, this is highly irregular, thoroughly illegal. He cannot say that. He himself started saying in his introductory remarks that 'If it was a new demand covered by the grant already made by the House, then I have a token grant of Rs. 100'. He goes further and says, I do not know the amount that may be required. I have no estimates."

Mr. PRESIDENT :—" The Hon. the Minister has stated that in respect of 'new service' the expenditure on which could not be met by reappropriation from savings within the grant, he would come for a supplementary grant from the Legislature in March 1950."

* Dr. V. K. JOHN :—" That is not what is envisaged in the introductory memorandum where instructions are given. Where you have a token grant, you are able to meet the expenditure from the grant already made. When you want something more than what is sanctioned in the beginning of the year or the end of last year, then you have a token grant. You must mention the amount that has to be spent over and above the estimated amount"

Mr. PRESIDENT :—" As I understand it the expenditure would be met from the amount already sanctioned. They would do it. If they are not"

* Dr. V. K. JOHN :—" They will obtain the supplementary grant from the Legislature in March 1950 after incurring the expenditure. That is the point. The Government do not know what is the amount required. They know what amount is granted. They want the amount. The Hon. Minister will say 'this cannot be covered by what is granted. Something more is required' and then he must ask for sanction. I want to make it clear that they cannot ask for a token grant now, incur the expenditure and obtain the sanction in March 1950. This they cannot do"

Mr. PRESIDENT :—" The hon. Member need not be agitated over it"

* Dr. V. K. JOHN :—" I am not agitated. I am speaking quick to save time."

[21st November 1949]

MR. PRESIDENT :—“ How I understand the position is this. They ask you to pronounce an opinion whether the new service is reasonable, admissible, necessary or not. They expect you to express an opinion on that. If you say that this is necessary, the Government may undertake it and try to meet the expenditure from the amount already sanctioned to them. If they want more money they will come to you in March with a supplementary demand for the amount they require. Then, if you think that the amount is unnecessary or heavy and you cannot sanction, you may refuse to sanction the expenditure.”

* DR. V. K. JOHN :—“ The Government accept that these are ‘ new service.’ When the Government come forward with new services, they must have made up their minds. They must know what a particular new service is, what is the anticipated expenditure for it, is it to be covered by grant already made, or is it not to be covered. Suppose, Sir, there is a ‘ new service ’ on which they spend a crore of rupees not covered by original sanction. They come to the House and say, ‘ Well, there is the “ new service.” We have spent one crore of rupees. We want sanction for this because a token of Rs. 100 was provided.’ I say this is entirely wrong, illegal. Let them consult any legal pandit, any expert, any man who knows anything about finance. It is thoroughly illegal. If it is covered by original grant, token grant is enough. We are saying, ‘ You incur the new expenditure that is covered by the original sanction, but when you come forward and say we do not know whether it will be covered and so we are asking you for a new grant, and a supplementary estimate will be presented in March 1950. I say, Sir, they are wrong. They are not fair to the House and they are doing an injustice. Why are they so doing? They do not know their own mind. They have no estimates and always their estimates are far wide of the mark. I do not think in any other province of this country their estimates are so wide of the mark and in crores of rupees. Last year it was four crores.

1-15 P.M. “ Now, Sir, I want to make one suggestion. The Government must cut down the expenditure. Before the Congress took power our average expenditure was Rs. 40 crores.”

MR. PRESIDENT :—“ Before the war it was about Rs. 16 crores.”

DR. V. K. JOHN :—“ During the war it came to Rs. 40 crores. Then when the Congress took power the expenditure has increased to 57 crores, a jump of Rs. 17 crores. Why is this? If the Finance Minister has got the figures, let him tell us how much of this 17 crores is due merely to the pay of the officers newly appointed. Why are they spending all this money? Because they have created new offices. The Retrenchment and Re-organization Committee went into this matter in 1948 and made a report, but no final decision has been reached by the Government. Sir, I am glad that the Ex-Premier is now here and I hope he will correct me if I am wrong in what I am going to say. I am told that before he gave up office, he made it a point that there should be retrenchment in every

21st November 1949] [Dr. V. K. John]

department of at least 12½ per cent. Has there been any retrenchment now? It is no credit to the Finance Department that they are spending 17 crores more than what they were spending in 1945-46. Why are they spending this money? What have they done? Take food, the most important thing. What have they done for it? It was reported in the papers that the Finance Minister was in his great form when he replied to the debate in the lower House”

THE HON. SRI K. MADHAVA MENON :—“ On a point of order, Sir, are we discussing the supplementary demands only or are we having a general discussion of the budget? ”

DR. V. K. JOHN :—“ I am only mentioning what the Government have not done. There is no rule preventing me from speaking about what the Government have not done, in connexion with the supplementary demands. I may point out that the items of expenditure necessary for the progress and prosperity of the country have not been included.”

THE HON. SRI K. MADHAVA MENON :—“ I seek your ruling on the point, Sir, whether in speaking on supplementary demands an hon. Member can speak about what the demands do not contain and whether he should not confine himself to the subjects covered by the demands.”

* DR. V. K. JOHN :—“ I may make a few suggestions, Sir, and say that the supplementary demands have not been properly presented. Any Member can get up and say that such and such a thing ought to have been provided for in the supplementary demands. I think there is no rule which says that we cannot talk about these things.”

MR. PRESIDENT :—“ At present only supplementary demands are before us for discussion. They are not the general budget proposals. On the general budget discussion, there will be time enough for hon. Members to say that the Government have not done this or that and that they ought to have done this or that. Now, as Mr. Suryanarayana Rao has done, I request the hon. Member to confine his remarks to what the Government propose to do and why they want these supplementary demands for. The hon. Member may express his opinion on them and say that this is right and that is not right, this is good and that is not good and so on. That is what appears to me to be a reasonable discussion. I am not giving a ruling, but that appears to me to be obvious.”

* DR. V. K. JOHN :—“ It looks to me equally obvious that if a supplementary demand does not contain an item of expenditure which the Government ought to incur and which they are going to incur, I can talk about it and have a discussion on it.”

MR. PRESIDENT :—“ The hon. Member is mixing up two things. If the hon. Member has any information that the Government are going to spend money on something which they have not

[Mr. President] [21st November 1949]

included here, I have no objection. But one would like to ask how he got that information. Short of that, the hon. Member cannot go on saying that the Government have not done this or that."

* DR. V. K. JOHN :—" With regard to the three omissions, first of all in connexion with the cyclone, the Government have said . . . "

MR. PRESIDENT :—" If the hon. Member wants my ruling on the point raised, my ruling is that he cannot refer to anything else except what finds a place in the supplementary demands."

* DR. V. K. JOHN :—" I cannot speak on what I do not find in the supplementary demands? "

MR. PRESIDENT :—" I am sorry the hon. Member cannot deal with them here."

* DR. V. K. JOHN :—" Suppose, Sir, I find that there is great distress in the hospitals for want of proper accommodation."

MR. PRESIDENT :—" So far as the cyclone is concerned, we have had a debate on it. Why should the hon. Member again refer to that subject? With regard to a debate on supplementary demands, the question is: the Government want money for particular items; does the hon. Member agree with them or not? "

* DR. V. K. JOHN :—" But if an hon. Member thinks that necessity has arisen for a certain expenditure in the interests of the province and the nation and that that expenditure has not found a place in the supplementary demands, it would be a curtailment of freedom of debate if that Member is not allowed to refer to that point."

MR. PRESIDENT :—" The hon. Member is not prevented from raising that point. He may bring forward a regular resolution or adopt some other method. But in a discussion of supplementary demands, I am quite clear that the discussion cannot proceed on matters which are not included in the supplementary demands themselves."

* DR. V. K. JOHN :—" Is it in order, Sir, for a Member to say that the Government have had no correct perspective when they brought forward these supplementary demands? "

MR. PRESIDENT :—" Suppose the Government have provided for Rs. 100 under Irrigation or Electricity. The hon. Member may say that the Government have no proper idea of the needs and that they should ask for more."

* DR. V. K. JOHN :—" Sir, the other day I requested you to allow a half-hour debate on the question of the great distress of the patients in hospitals who are lying on the floor without proper accommodation and you said that supplementary demands would soon be coming up before the House and that I could discuss the point then. I do not find a single demand here for provision of more hospitals or more accommodation in hospitals."

[21st November 1949]

MR. PRESIDENT :—" Does the hon. Member refer to any ruling I gave? I remember perfectly well that supplementary questions were allowed for a decent amount of time on that particular question. That was why I said I would not allow an half-hour debate. That was the main reason, i.e., supplementary questions went on for a sufficient time."

SRI R. SURYANARAYANA RAO :—" You mentioned, Sir, in regard to the grant of land for political sufferers that it would come up on supplementary demands. It has now come up and we can deal with it."

* DR. V. K. JOHN :—" Then Sir, it is stated under the Excise Demand that in view of the termination of the Customs Union Agreement between the Government of India and French India from 1st April 1949, the Government have to incur an expenditure of Rs. 99,226. I sent in a resolution the other day on this subject. It is in the interests of both parties—both Indians and the French—that these possessions should be merged in the Indian Union. I learn that from Karaikal alone, in the first six months of the year 17,000 tons of rice had been shipped off. I think it is high time the Government took note of the difficulties created by the foreign possessions in South India and the expenditure we are put to. This matter may be taken up with the Government of India."

" Sir, as you have ruled that I should not speak on what is not found in the budget . . . "

MR. PRESIDENT :—" I do not know if you can call it a budget. They are only demands for grants for further expenditure."

* DR. V. K. JOHN :—" That means it is a supplementary budget."

MR. PRESIDENT :—" I did not want to interfere, but that should not be taken as a matter of right. I am not restricting hon. Members from saying what they want to say, but there should be some limit."

* DR. V. K. JOHN :—" I want to make one serious suggestion to the Government."

A HON. MEMBER :—" What about the other suggestions? Are they not serious? "

* DR. V. K. JOHN :—" I believe in smiling through life. Whatever suggestions are given to the Government, they are not benefited. I mentioned in the House the other day with great regret but with a smiling face that you can take a horse to water, but you cannot make it drink. These suggestions are made here not in the hope that the Government would accept them or consider them, but because this is the only forum to try the Government before the bar of public opinion where the Government will be judged. These supplementary demands could have been avoided if only the Government had accepted the Retrenchment Committee's

[Dr. V. K. John] [21st November 1949]

proposals. The Government must bring down the expenditure from 57 crores to 40 crores. They must also bring down the sales-tax which has only increased the cost of living. If they could do that, the Government could avoid the supplementary demands. The Government may ask for grants where they want to step up agricultural and industrial production, to provide more facilities for education and medical relief and for nation-building activities. It is high time that the Government reconsidered the many fads which have cost us crores of rupees. One is prohibition. The other day an ex-Minister said that this present prohibition policy has made women and children drink and that illicit distillation has become a cottage industry. It is high time that the Government reconsidered these matters and appointed a committee to go into them and find out whether their policy is correct because every time any important question is raised, the Finance Minister says he has no money. We have no money for nation-building services while we waste Rs. 20 crores for having illicit distillation. Sir, we are all for prohibition provided it can be successfully enforced.

"Another thing is the nationalization of the bus services. It was said—

'If you wait for five minutes, you get a bus'

I know from the experience of my own juniors that you have to wait for one hour and you do not get a bus. And you get a rotten bus and you have to pay higher fares. The accounts for 1947-48 and 1948-49 have not been audited and I feel I am right in saying that the Government have lost about Rs. 40 lakhs by nationalization. They could have avoided this wastage."

THE HON. SRI B. GOPALA REDDI:—"Who said that we have lost forty lakhs?"

DR. V. K. JOHN:—"Because the Government have not published the audited accounts, people who have experience of the matter say that these buses have become rotten and if they are sold they will not fetch even a few lakhs, as against the expenditure of 70 lakhs.

"Another fad is the provision of one crore of rupees on Khaddar. If the Government would only revise their notions . . ."

MR. PRESIDENT:—"The hon. Member can deal with them in the month of March. He is not going to cease to be a Member by that time."

1-30 P.M. DR. V. K. JOHN:—"We do not know whether this House will continue to exist till March. The Andhra Province is coming and we are all uncertain about our being here till March. I am not keen on speaking at length. I want to tell them: give up these fads, re-examine them and do not waste crores of rupees; be a little sensible. I shall at the end make this again clear: do not treat both the Houses with scant courtesy; do not bring a budget like this which says, 'we want a token grant, we will spend crores of rupees and then we will bring in a budget in March; at the end of the year we will tell you that we have spent moneys for which

21st November 1949] [Dr. V. K. John]

there was no grant.' This is an awful thing any Finance Department can do. Let them do their job, let them not be sleeping; let us know what figures there are for our expenditure. I hope the Finance Minister—who cannot do these things himself—will ask the department to see that they have the figures and that those figures are given to him and given to us and also to the public, so that we may know how the Government is run. And finally, Sir, I repeat what I said in the beginning—this is not a budget at all."

THE HON. SRI B. GOPALA REDDI:—"Then what is the discussion about?"

DR. V. K. JOHN:—"That it is not a budget."

MR. PRESIDENT:—"How long does the Hon. Minister propose to take for his reply?"

THE HON. SRI B. GOPALA REDDI:—"I do not propose to take more than thirty minutes, Sir."

MR. PRESIDENT:—"Then we will now adjourn and meet again at 2-30 p.m."

(After lunch—2-30 p.m.)

MR. PRESIDENT:—"I wish to tell the House that at my request, an innovation has been made in the proceedings of to-day. The House knows that we have been sitting since the 14th of this month. Except two Bills that we have passed, not much appreciable work has been done and the other House too has not passed any further Bills to provide work for this House. So far as non-official work is concerned, I find there is not much work for more than an hour or two and I thought it was unnecessary to devote one full day to it. All the same, I was anxious to give some time for non-official work during this session and the question arose, how to fit in all these things. So, in consultation with the Leaders of both the Houses and in consultation also with the Leader of the Opposition, I have thought it would be better if to-day we could finish the discussion on the supplemental estimates as well as finish the non-official work. That is why I requested the Members of the Government party not to take part in the discussion on the supplemental estimates but to leave that work mainly to the Members of the Opposition, so that if we finish the non-official work also to-day, the other House may sit from to-morrow onwards and by the 25th they will be finishing some of the urgent Bills which will later come up for discussion here. Otherwise, if we take up the 23rd for non-official work, they will have the 24th for their non-official work and there won't be much business unless they sit for the 25th, 26th and 29th; and we do not also know when the House will have to meet again. So, in order to avoid difficulties to hon. Members of the House, I suggested this arrangement. I am therefore glad that Members of the Government party have taken my suggestion and have not taken part in the discussion on these supplemental estimates. At the same time, I want to make it clear that this should not be a precedent for the future. Discussions on

[Mr. President] [21st November 1949]

supplementary demands will be for a full day in future, and I do not want to make this a precedent. These are the extraordinary circumstances which forced me to adopt this procedure to-day. I hope hon. Members will understand the spirit underlying this arrangement and I am thankful to them for having co-operated with me to expedite the business of the House."

SRI N. VENKATACHALAMAJI:—"When will the Council meet again?"

MR. PRESIDENT:—"Just wait a minute. The Hon. Finance Minister will now reply to this debate. Afterwards we will take up non-official work, which I am sure we will be able to finish by 5 o'clock. I should like to know from the Leader of the other House when he thinks the other House will be able to finish the work there and when this House should meet again."

* THE HON. SRI B. GOPALA REDDI:—"There are six ordinances to be passed in the present session and we also want that the Electricity Bill should be referred to a Select Committee in the other House—I am not quite sure whether it is to be a Joint Select Committee or a Select Committee of the other House alone; whatever it is, we want to sit on the 23rd, 24th and 25th . . ."

MR. PRESIDENT:—"I think I got notice of the Electricity Bill."

* THE HON. SRI B. GOPALA REDDI:—"We want to sit on the 23rd, 24th and 25th and dispose of all these matters. The other Bills including the Panchayat Bill we will take up on the 15th December; in which case this House can agree to sit on the 26th or so, so that the business that will have been transacted in the other House by that time can be approved in this House also."

MR. PRESIDENT:—"The Electricity Bill will be going, not to a Joint Select Committee, I suppose? If it is only to a Select Committee of the other House, then it may not be ready now for this House."

THE HON. SRI B. GOPALA REDDI:—"No."

SRI M. NARAYANA RAO:—"Hon. Bhakthavatsalam says there is to be no Joint Select Committee but only a Select Committee of the Assembly."

MR. PRESIDENT:—"So, it won't come up here; we will therefore have only the Bills relating to the ordinances."

JANAB ABDUL LATIF FAROOKHI:—"The opinion on this side of the House is that it will be better to have the sittings of this House on the 28th instead of on the 26th."

* THE HON. SRI B. GOPALA REDDI:—"With regard to the suggestion about the 28th, while we can have no objection to it, some of the Ministers, especially the Minister for Land Revenue will be touring the cyclone affected areas, leaving here on the 26th night. It will facilitate our work if we sit on the 26th; there is

21st November 1949] [Sri B. Gopala Reddi]

one Bill standing in the name of the Revenue Minister, which is one of the six ordinances; so, it will be better if the Council sits on the 26th."

MR. PRESIDENT:—"What have the hon. Members from the mufassal to say?"

SRI C. VEERABHADRA RAO:—"Is it necessary that the Minister for Land Revenue should be here?"

MR. PRESIDENT:—"The Government Members say that the concerned Minister may not be here; but other Members say he ought to be here."

SRI B. NARAYANASWAMI NAYUDU:—"The hon. Mr. Madhava Menon may play the card for all."

SRI M. NARAYANA RAO:—"We would like to be present in our places when the Hon. Minister tours our districts."

MR. PRESIDENT:—"Is it the sense of the House that the business should be finished and then the Members should go to their places? (After a pause) I take it that the House will meet on the 26th instant."

* THE HON. SRI B. GOPALA REDDI:—"Sir, the Leader of the Opposition and the Deputy Leader of the Opposition had been very eloquent over this supplementary statement of expenditure. But they took two different lines of attack. One wanted that there should be no demand for grants for further expenditure at all, while the other wanted to know why certain other things were not provided for. Sir, it is a little incongruous that while one speaks for no demands for grants for further expenditure, the other should plead 'why did you not provide for this and provide for that?' The Leader of the Opposition is always very fond of the Finance Department, nay the entire Government. I remember in the last discussion, he said that Government is the only institution which is best mismanaged in the Presidency or some such thing. Now he says that the Finance Department is the worst mismanaged department. He is very liberal in his compliments to the Government and to the departments; but I am sorry we are unable to take any lessons from his homilies or his advices. When the Leader of the Opposition does not know what is being done with regard to the financial procedure or the presentation of the budget, I think he ought to take more lessons from the Finance Department itself before he can say that the Finance Department is the worst managed department. I think my department will certainly allow him . . ."

MR. PRESIDENT:—"Whose Finance Department?"

THE HON. SRI B. GOPALA REDDI:—"The Finance Department of the Government of Madras."

[21st November 1949]

MR. PRESIDENT :—"Perhaps he is speaking of his own Finance Department."

* THE HON. SRI B. GOPALA REDDI :—"He is speaking perhaps of his own Home department. Whatever it is, there is no use attacking the Government on broad lines instead of specially saying what has been done or what has not been done which can certainly be made in a general budget discussion. Sir, you have rightly ruled that it is only a demand for grants for further expenditure. This is not a general budget, it is not a supplementary budget, it is not a revised estimate of what we are going to spend in all the departments. The revised estimate will be available only along with the budget in February next; we take eight months' actuals with regard to receipts and expenditure and we prepare a forecast with regard to the current year's expenditure, which will be in the shape of a revised estimate. This is nothing of the sort; this is only a demand for grants for further expenditure. Certain items have been considered by the Government during the course of this year and they have thought they could sanction them with the approval of the House. In most cases, these are schemes which have been approved by the Government, but nothing has been spent so far except that certain emergent appointments had to be made with regard to the Fourth Member of the Board of Revenue, and some other major items. It is also not known how much we are likely to spend in the course of the year, and that is our difficulty. That is why there is a demand for Rs. 100. Had we known how much we should spend in the course of the year, we could certainly have specified the amount and got the approval of the House; but now we are coming before the House for broad criticism on the points mentioned in these notes, so that if necessary we might cancel or defer any of them in the light of the criticisms made. It is not correct to say that we are in a big majority and therefore we can do whatever we like or that what we are doing is not legally valid. According to the strictest letter of the law, under section 81 of the Government of India Act, there is no need for the Finance Minister to come before this House, before the Legislature, with demands for grants for further expenditure, unless we are sure that we are likely to exceed the budget estimate presented and approved last year. The section says—

"If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure therefore authorized for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein."

2-45 P.M. "So, unless we are convinced that we are likely to exceed the demand approved by the Legislature, we need not at all come before the House for the schemes that we are contemplating during the course of the year; but yet we are placing them before the Legislature so that we may know their criticism and we might, if necessary, modify or cancel them according to the criticisms."

[1st November 1949]

MR. PRESIDENT :—"Section 81 says 'supplementary statement showing the estimated amount of that expenditure'. I wish to know whether that has been done."

THE HON. SRI B. GOPALA REDDI :—"In respect of some of them, the entire expenditure will not be incurred in this year."

MR. PRESIDENT :—"I wish to know whether in respect of new services, you have an estimate showing the amount of expenditure on them."

THE HON. SRI B. GOPALA REDDI :—"So far as it is available, it has been given; since we do not know what is likely to be spent in this year, we have taken a token sum of Rs. 100."

SRI B. NARAYANASWAMI NAYUDU :—"Both these things have been given."

MR. PRESIDENT :—"So it is in accordance with section 81 of the Government of India Act."

SRI B. NARAYANASWAMI NAYUDU :—"But it does not contain details."

* THE HON. SRI B. GOPALA REDDI :—"If it is approved, it will form Part I of the Budget and all the details will be given in the general budget that will be presented to the House. Where it cannot be anticipated how much we are likely to spend, we have come up with Rs. 100. There are certain items where we can be more precise. Supposing we appoint a Fourth Member of the Board of Revenue, we know the exact amount and it will be mentioned but when we do not know when a scheme will be implemented or how much will be spent during the course of the year, we only ask for a token sum. Even that, as I said, I need not place before the House; but I am taking the House into confidence according to the assurance given to the House two or three years ago when Mr. Suryanarayana Rao raised the point that from time to time the Government might place new schemes before the House and seek their approval."

DR. V. K. JOHN :—"On a point of order, Mr. President. The documents placed in our hands is 'Demands for Grants for further expenditure and detailed supplementary estimates thereof.' This book contains only information how much is required and does not give any details as it purports to do."

* THE HON. SRI B. GOPALA REDDI :—"As I told you, Sir, I have placed this before the House pursuant to the undertaking I have given to the House. They relate to specific points raised in the note; it is not a general budget or a revised estimate and we need not go into a general discussion of what is to be done and what is not to be done."

"Criticisms have been raised about the need for new services. Of course, our departments are also anxious that we should not

[Sri B. Gopala Reddi] [21st November 1949]

incur large sums of money in the course of the year which have not been approved by the Legislature. But hon. Members know that in the fluid state of affairs obtaining at present, when things are not normal almost in every department due to Post-War problems, due to scarcity of food, essential commodities and other things, things cannot be accurately guessed as to how much the expenditure is likely to be and what the receipts will be. This sort of correct budgeting is not possible in the present fluid state of affairs and you cannot blame the Finance Department for not budgeting correctly. Last year in the Government of India, they presented supplementary demands to the tune of a hundred crores of rupees and as usual there was criticism. But certain items could not be contemplated at the time of the Budget and even individuals, even the Leader of the Opposition, cannot frame a Budget in February for the whole of the next year and stick to it; if he tries, he will know how difficult and almost impossible it is."

DR. V. K. JOHN :—" I do not commit that fault of budgeting like that."

* THE HON. SRI B. GOPALA REDDI :—" Budget is a sort of indication of what we are likely to do and it is a collection of our intentions for the future, for the next year. Necessarily, it has to be varied from time to time in the light of experience. Let us take one concrete case, the Agricultural Department. We need some tractors or bulldozers for some farm; we place an order with a firm in America or England; mostly, they do not arrive in time and what we do not spend in the course of the year has to be carried to the next year. So also, is the case with regard to Irrigation. Electricity and other departments. It is very difficult to anticipate what is likely to be spent within the next few months or in the course of the year. There are so many factors, the difficulty of finding personal, shortage of materials and other handicaps and bottlenecks and we cannot correctly estimate how much we are likely to spend.

" The Leader of the Opposition once again said that we have spent seventeen crores more than during the war. We spent only thirty crores then and now it is forty-nine crores. It is a matter for congratulation that in spite of Prohibition, we have been spending large sums of money for essential needs of the people, for Education, for Irrigation, for Public Health, etc. I thought the Leader of the Opposition will have a word of congratulation. I think the Leader of the Opposition will do well to encourage us to get more and spend more money for our people, instead of saying that we used to spend Rs. 30 crores during the war and now we are spending 47 crores and so we are wasting seventeen crores; so that people may benefit with services for the money they are paying to the Government. In everything, we are far behind the advanced countries and it is up to us to spend larger and larger sums of money to better the lot of our people. It is a good thing that we spend more on Electricity, on Irrigation, on Education and

21st November 1949] [Sri B. Gopala Reddi]

on Public Health and the security services. The point to be considered by the House is: Is or is it not a fact that we are spending more on the Police? In 1937, just before the War, we were spending Rs. 60 lakhs on the Police but last year it became Rs. 6½ crores; Jails accounted for Rs. 28 lakhs but now it comes to Rs. 110 lakhs because the cost of diet of even the C class prisoner has gone up; while formerly it cost only 7 pice, less than 2 annas, it is now 10 annas and there has been a revision of salaries for the warders. Likewise in everything, the expenditure has gone up. We revised the scales of pay of peons and also . . ."

DR. V. K. JOHN :—" I wish to know whether there are more people in jails than we had previously."

* THE HON. SRI B. GOPALA REDDI :—" Perhaps, there are more Prohibition prisoners just now; the jail population is about 20,000 now, whereas it used to range from 16,000 to 17,000. If a separate question is put, we will certainly give the necessary information.

" As I said it is very difficult to budget for the future correctly. We frame the Budget sometime in February and it is difficult for us to be told that the Government should not incur expenditure on new services. Take the case of procurement, rationing, security services or even educational institutions; a correct estimate of what we should be doing for the future will be difficult. We are opening a number of schools and colleges, some of which have not been contemplated in the Budget. But the demands of the times have been such that some people apply for permission in June and get it in July and start a school. Things, as I said, are a little abnormal and we are still suffering from Post-War confusions and there is no use of blaming the Government for not preparing the Budget properly and for the estimate being wide off the mark.

" Regarding the observations made by my hon. Friend, Mr. Suryanarayana Rao, I may inform the House that we have very carefully considered whether a Fourth Member for the Board of Revenue is needed or whether a Director of Settlements was needed; the Cabinet Sub-Committee very carefully went into the question and we thought that it was absolutely essential that we should sanction some of those posts. We are not anxious to create more posts when we have instructed heads of departments that there must be a saving of 12½ per cent of expenditure in the departments. Zamindari abolition and rent reduction in estates have created so many problems and these have to be expeditiously met. We should not lag behind as there would be lot of confusion. After passing the Rent Reduction Act, certain steps have to be taken and they could not be taken without the necessary personnel, field staff and secretarial staff and officers. The work has increased abnormally in the Revenue Board and it has to be properly staffed to take such executive action as may be indicated for the abolition of zamindaris. Janab Farookhi Sahib remarked that Congressmen

[Sri B. Gopala Reddi] [21st November 1949]

have demanded the abolition of the Board. It is true that people have demanded it. We have gone into the question very carefully. One of the Commissioners is in charge of Commercial Taxes and Prohibition. Even if you abolish the Board, we want senior officers to be head of the Commercial Taxes Department and Prohibition as they cannot be attended to in the Revenue Department here. Likewise also for Land Revenue and Food. Another Commissioner is in charge of zamindari abolition. Of the four, two are on special work, one for zamindari abolition and another for Food work, the other two attend to Commercial Taxes and Land Revenue respectively. As suggested, the Board may be abolished but the number of officers cannot be lessened and the necessary expenditure upon them will have to be incurred by the Government. So, the cheap demand for the abolition of the Board of Revenue is not going to benefit us financially and we certainly want it. We have gone fully into the question and we have appointed the Fourth Member. 3 p.m. And likewise, Sir, about the Director of Settlements. Previously, when settlement operations were in force, the settlement was spread over thirty years. If a district is surveyed and settled to-day, then for another thirty years that district would not be touched. So the districts in the Province would get by rotation surveyed and settled by a small survey and settlement party. Now, after the passing of the Rent Reduction Act, all the estates have to be surveyed and settled in a very expeditious manner. Even according to our present programme it would take five to six years before all the estates are surveyed; and then the question of compensation also is linked with the outcome of the survey and settlement. Therefore, Sir, we have to appoint a Director of Settlements.

"Likewise all items of expenditure have been considered very carefully with all our anxiety to cut down expenditure on services. Yet some of these services have become necessary, and the expenditure on them has to be incurred this year itself; and they were not contemplated when the Budget was framed in February last. The suggestions given by hon. Members will be considered when actual expenditure is going to be incurred. To-morrow the supplementary estimates will be discussed in the Assembly and Demand after Demand will be minutely examined, and in view of the criticism thereon, we will consider whether we can incur expenditure or drop it or defer it for the time being.

"There is nothing else that I wish to say except that the hon. Leader of the Opposition gets excited whenever he speaks on Budget matters."

DR. V. K. JOHN :—"Sir, I have never got excited on anything."

* THE HON. SRI B. GOPALA REDDI :—"He is an eminent lawyer, and my own feeling is he does not find time to follow the Budget details, procedure, etc. I think where he does not know

21st November 1949] [Sri B. Gopala Reddi]

it is better he is silent, instead of, while playing the role of Leader of the Opposition, on financial matters attacking the Government in whatever they do."

DR. V. K. JOHN :—"Have I not supported Government several times?"

* THE HON. SRI B. GOPALA REDDI :—"On financial matters he has not been very helpful to us. His has not been a healthy criticism about what is being done and what is not being done. (Interruption.) Whatever it is, sometimes empty clouds make much noise. It does not mean a big rain is in the offing; it does not mean a big cyclone is in the offing. They thunder and roll on, and so we do not bother about them. We go on as long as we can go on. It may be the Opposition is not strong enough. Every Government have to function, and sometimes they have to incur expenditure not provided in the Budget; and so it is necessary that they should come forward with supplementary estimates. We had a big discussion in the recent Finance Ministers' Conference about the expenditure incurred without the approval of the legislature. Last year they incurred one hundred crores in the Government of India. This was discussed, and they could not do anything or arrive at any conclusion, except as a sort of wishful thinking that it should be confined to the minimum expenditure possible. In that way it was considered and no definite conclusions were arrived at. Therefore, the House should allow Government to incur some expenditure even though it was not included in the original Budget. If there is widespread discontent about it, Government will seek a vote of confidence according to established parliamentary traditions. That is the convention. If they do not get it, they will resign. I hope we will respect that convention here also."

MR. PRESIDENT :—"The House will now take up non-official business."

III.—NON-OFFICIAL BUSINESS.

THE MADRAS WAKF BILL, 1947 (L.C. BILL NO. 3 OF 1947).

* JANAB ABDUL LATIF FAROOKHI :—"Mr. President, Sir, before moving my motion I would like to raise a point of order about the amendment tabled by Mr. K. T. M. Ahamed Ibrahim."

MR. PRESIDENT :—"That will come in later. You may make your motion. It may be. Mr. Ibrahim may not move his amendment at all. So, you may move your motion and if Mr. Ibrahim moves his amendment, you may raise your point of order, if any."

JANAB ABDUL LATIF FAROOKHI :—"Mr. President, Sir, I beg to move that the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947), be referred to a Select Committee. Sir, for the present I do not want to go into the details of the Bill. You will remember, Sir, when I introduced this Bill, the hon. the Leader of the House,

[Janab Abdul Latif Farookhi] [21st November 1949]

Dr. Rajan, wanted that the Bill should be referred for eliciting public opinion. Of course it was passed and the Bill was referred for public opinion. Public opinion has expressed itself. It is printed in the form of a book, and I shall refer to some of the important opinions expressed on the matter.

"First, there is the opinion of Mr. V. L. Ethiraj, Barrister-at-Law, Public Prosecutor, Madras. He says, 'I agree with the principles and object of the Mover of the Bill.' Then comes the view of the Board of Revenue. They are in favour of this Bill. They say, 'Among the objectors to the Bill, the opinion of Sir Mohamed Usman of Madras seems to carry some weight. He has stated that the Bill will have the effect of discouraging people from making Wakfs. The Board, however, holds the view that the present legislation cannot stand in the way of persons, charitably disposed who would be willing to make Wakfs. Unless there is a reasonable cause for apprehension in the minds of people, who create the Wakfs, that the funds are likely to be diverted to purposes other than those originally intended for, there appears to be no reason for the donors to be discouraged from making Wakfs. In conclusion, the full Board is of the view that the intended legislation will provide for the efficient management of the Wakfs in the Province.' Then, Sir, the Collectors of all districts have expressed their opinion. Some have expressed their opinion: while some have not expressed at all their opinion. Of those who have expressed their opinion, every one of them, without a single exception, has expressed in favour of the Bill. The Collector of South Arcot says, 'the Bill now moved by Mr. Abdul Latif Farookhi Sahib seeks to remedy these defects among other things and it may therefore be considered as a desirable piece of legislation. The Muslim Wakf Act of 1923 which is now in force has two main defects, namely, (1) the absence of any means of verifying the correctness of the accounts of Wakf unless a private person moves the court by a petition after paying the prescribed fees and (2) the absence of any agency or authority with powers of superintendence over the Wakf.' Then the Collector of Tirunelveli says, 'the general consensus of opinion appears to be in favour of the Bill. Such a legislative measure appears necessary for the proper and better management of Wakf.' Then, Sir, the Collector of Guntur says, 'the Bill is a welcome measure to the Muslim population and its enactment will certainly help the community in general.'

THE HON. DR. T. S. S. RAJAN :—"On a point of order, Sir. We have all been furnished with a copy of the opinions. Is it necessary for the hon. Member to read them?"

* JANAB ABDUL LATIF FAROOKHI :—"Sir, I am only reading one or two sentences here and there. Then, Sir, the Collector of North Arcot says, 'as stated in the Board's reference cited above, Sri N. M. Anwar, M.L.A., and the Principal, Arabic College, Vellore, were consulted regarding their views on the principles of the Bill.' Of course they are opposed to the Bill. Further on he says, 'The present Bill seeks to remedy these defects and has also

21st November 1949] [Janab Abdul Latif Farookhi]

provided for an effective machinery to manage and supervise Wakf properties. The objections raised by interested Muslims need not be taken seriously. I consider that the Bill, if passed, would ensure effective management of Wakf properties and may, therefore, be supported by Government'.

"The Collector of Nellore also supports the Bill. Now there is only one Hindustani Muslim newspaper throughout the Province, a daily newspaper called the 'Mussalman' and that newspaper also supports the Bill. The Chief Presidency Magistrate, the Andhra Muslim Conference, the All-India Shia Conference and a host of others have supported the Bill.

"There are certain individuals who are and institutions which are interested in me or with whom I have some connexion or other. I have asked them not to express any opinion lest I should be accused of having stage-managed things. Now I shall examine how the opposition to the Bill stands. One important organization which is opposed to this Bill is the Muslim Educational Association of Southern India. What are the objections of that Association to the present Bill? The Association is convinced that there is need for legislation not merely to prevent mismanagement of the Muslim religious and charitable endowments but also to preserve the properties of such endowments. It is to be regretted that all the legislation so far enacted by the Central as well as Provincial Legislatures in respect of Muslim religious and charitable endowments has not served the purpose of achieving the above object. Even the scheme framed by courts of law in this Province have in many cases failed to secure any better management of the Wakf properties or the proper utilization of the funds belonging to the Wakf or income derived therefrom. Section 92 of the Civil Procedure Code as interpreted by the High Court of Judicature at Madras is the relevant section for the proper management and preservation of the Wakfs and their endowments in this Province. The Muslim Educational Association of Southern India, Madras, therefore, feels that there is urgent need for undertaking legislation so as to amend the Civil Procedure Code as well as the Limitation Act in order to prevent further mismanagement and disappearance of the Muslim religious and charitable endowments.

"For securing the proper administration of the Muslim religious and charitable endowments in this Province, the Association is of the firm opinion that there should be established a properly constituted independent statutory body such as a Board of Commissioners for Muslim Religious and Charitable Endowments on the same lines as Hindu Religious Endowments Board with necessary modifications and adjustments suited to the needs of the Muslim institutions. Unless such a machinery which is to work under the supervisory control and direction of the Government with due regard to the requirements of the personal law of Muslims is set up, it is not possible to improve the existing state of affairs in regard to the Muslim charitable and religious endowments.

3-15
p.m.

[Janab Abdul Latif Farookhi] [21st November 1949]

"I ask every member of this House whether this opinion is in support of the Bill or not. Down below there is opposition. I do not understand the reasons for the opposition."

MR. PRESIDENT :—"Have they given any reasons?"

JANAB ABDUL LATIF FAROOKHI :—"They say—

'Viewed from this aspect, the provisions of Madras Wakf Bill No. 3 of 1947 and the machinery suggested therein do not and will not achieve any purpose whatsoever in securing the better and efficient management of the Wakf properties.'

They say that certain machinery has to be set up. The foundation has been laid when the Hon. Leader of the House agreed to circulate this Bill for eliciting public opinion. The public opinion received is in favour of the Bill. If they are opposed to certain or all the provisions of the Bill, let them scrap every word of it and put in whatever they want. Why do they say that this Bill will not achieve the object in view? There are two reasons—two unpleasant reasons—which they do not want to give openly and in so many words. Let me open my heart and state them. I hope my hon. Friends on this side of the House and on the other side will excuse me. They say that Muslim endowments should not be handed over to a Hindu Government. We are wedded to this Government. We are not going away to Pakistan. If we are not to trust this Government, whom else are we to trust? To whom are we to go for finance and other things except the Hon. Finance Minister and the other Ministers of this Government? If they think that a Hindu Government should not manage Muslim endowments, why don't they have the moral courage to say so? The Muslim community is not opposed to this Bill. The Muslim community has handed over their endowments even to the British Government. In any Government there will be bickerings among the people. There was the trouble of partition and no-partition in the past. Now everything is settled."

THE HON. SRI K. MADHAVA MENON :—"What do you want us to do?"

* JANAB ABDUL LATIF FAROOKHI :—"You have received public opinion. Muslim public opinion is in favour of it. The Board of Revenue has also said that. Act up to that opinion. If you don't act up to that public opinion and throw out this Bill, I have no axe to grind. I will be content with the moral satisfaction that I have done my part of the duty. This Legislature will be here either in this form or some other form. We, Muslims, have to live in this land. If we die, our future generations of people will have to live with the children of these Hindus. When that is the case, how can anybody say that Muslims have nothing to do with Hindus and the Hindus have nothing to do with the Muslims and hence the Hindus have no business to legislate so far as Muslim matters are concerned? Why don't they say that openly? Why do they say that all this is necessary and then object to the Bill? As I said, scrap every word of it. Here is the foundation. Put your superstructures upon it. I shall accept your amendment

21st November 1949] [Janab Abdul Latif Farookhi]

in toto. But don't say that this is not necessary. Why do they adopt dilatory tactics? Why do they wait in deputation on the Minister in charge of the department and say that the Bill be recirculated? Recirculation in other words means shelving the Bill. That is one reason.

"There is another reason and that is that the Bill is moved by Mr. Farookhi, a man who has left the Muslim League. The Muslim League Party is there wounded and grieved. (Interruption by Janab K. T. M. Ahmed Ibrahim.) My hon. Friend will have his turn to speak. They say: 'Here is a man who has left the Muslim League'. I do not want to speak about party affairs. I will only make a passing reference and say that we, Muslims, have either to live in this land as Indians and citizens of this land or we must quit. There is no other go for us. If we are to live as citizens of this country, we have to live on non-communal lines, we have to associate ourselves with non-communal institutions. There is no half-way house between these two. There is no use of saying that this man has left the Muslim League. My Hon. Friend, the Finance Minister, the other day took Mr. Abdul Hameed Khan to task and he was justified in doing so because Mr. Abdul Hameed Khan unnecessarily provoked him. He said: 'You don't exist as a party'. That is not the proper reply. If Mr. Hameed Khan had joined any other political party, he could have been taken to task. Where is the Muslim League? On the floor of this House, on platforms outside this House and from house-tops I say that the Muslim League is dead and gone. There is no use of talking of the Muslim League. (K. T. M. Ahmed Ibrahim: 'I challenge the hon. Member to resign his membership in the Council and seek re-election on this issue.') Because the Bill is moved by Mr. Farookhi, a man who has left the Muslim League, the Bill is not to be supported.

"If these two reasons weigh with the Government and if the Government are to play into the hands of people who want to adopt dilatory tactics, I have no complaint, no grievance or no criticism against them. I sponsor the Bill with the best of intentions. I want that the Muslim community should be helped in respect of the management and preservation of their endowments. I want the Muslims to live along with other people. I think this is a national Government which can deal with Muslim endowments with as much care as they take in regard to Hindu endowments. They should not make any distinction between the Hindu and Muslim endowments. That is why I have moved this Bill in this House. If the Hon. Leader of the House or any other Minister or the Ministry or the party as a whole feel that this Bill should not be passed because there are people who oppose it, let them defeat this. I have no objection. I submit if you examine carefully the object underlying the opposition of each one of the opposers, you will find that the one reason is vested interest. The most important thing is the vested interest. Please enquire into the lives, property and affairs of the opposers and see whether

[Janab Abdul Latif Farookhi] [21st November 1949]

every one of them is not connected with this endowment or that. Is not this Bill going to snatch away the undue privileges which these people are enjoying? When that is the reason, I submit this House must be fair to the Muslims. From the beginning to the end excepting the last paragraph, the Association insists upon the necessity of having such a board, institution or machinery as has been provided for in the Bill. If, according to them, modifications are necessary, let them make those modifications. I say put the structure on this foundation. Where is another opportunity? If they are not going to put the structure, it means they don't want any legislation. They don't want to say so openly and in so many words for fear of courting unpopularity. Therefore, they adopt dilatory tactics, so that this Bill may not become an Act at all. If the Government knowingly or unknowingly, wittingly or unwittingly, want to play into their hands, I have no complaint against anybody. I am not at all in any way affected.

"A similar Bill was sought to be introduced in the Legislative Assembly in 1937 by Mr. Basheer Ahmed Sayeed, now the Hon'ble Mr. Justice Basheer Ahmed Sayeed. What was the result? The result was there was wirepulling. It was sabotaged and the Muslim public opinion was enraged against the people who sabotaged the Bill. The Muslim League Party then assured the Muslim public that a similar Bill would be moved by the party itself. I was one of those who were asked to address a public meeting on the above lines. With what face and courage do these very people, who have given the assurance to the public, now come forward and say that this Bill is not necessary? They cannot do it and therefore it is that they are putting it in this manner. They emphasise the need for such machinery and then say that there is no need for this Bill. No reason is given. If they say that this Bill is defective, I humbly request them to suggest amendments and I shall accept every one of their amendments."

THE HON. SRI K. MADHAVA MENON :—"There are people who have expressed themselves against the Bill. Will the hon. Member please say why they oppose? We are having an open mind in the matter."

* JANAB ABDUL LATIF FAROOKHI :—"I am thankful to the Hon. Minister for the suggestion. The one gentleman whose opinion is to be respected, and I also respect his opinion, is Sir Muhammad Usman. With regard to his opinion, the Board of Revenue has said that his fears are unfounded. Therefore, we need not take that into consideration now. There are opinions expressed by some organizations like the Anjuman. As public workers, every one of us including the Ministers and your goodself Mr. President, knows that if we want to do anything, of the kind we have to manipulate things and arrange meetings in support of our cause. You will pardon me if I say that I have myself arranged for public meetings and addressed them not only in

21st November 1949] [Janab Abdul Latif Farookhi]

Madras but also in Andhra Desa and elsewhere. When I was a member of the Central Assembly, I used to keep typed copies of a resolution and send them to people to hold public meetings and have it passed. Has any other organization opposed this Bill except the Educational Association whose opinion I have read? If only I wanted public meetings to support the Bill, I could have convened them in hundreds and got a resolution passed in support of the Bill in every one of such meetings. Even without meetings, I could have arranged to send some communications to the Press. Do not the hon. Members know all these?

"Sir, the other opinion is that of the Carnatic Family Association. That Association has not expressed any opinion itself. I am the President of the Carnatic Family Association. You will remember, Sir, the party we gave in honour of your goodself and an Hon. Ministers on behalf of the Carnatic Family Association on a former occasion. Now there are one or two interested persons perhaps in the pay of His Highness the Prince of Arcot who have expressed opinions against the Bill. Can that be taken as the opinion of the Carnatic Family Association? As I said, I am the President of that Association and Mr. Muhammad Mahmood, a young promising advocate, who is the Honorary Secretary of the Association and who has very greatly assisted me in drafting this Bill for which I am highly grateful to him, is in its favour. 3-30 p.m.

"Then, Sir, there are one or two persons, whose names I do not want to mention who have expressed themselves against this Bill. There is no connexion between this Bill and the opinions expressed by them, and one of them is a member of the Carnatic Family, who is known throughout the City as a semi-crack and the Government have simply incorporated his opinion in the book published by them without knowing what the real nature of that man is."

THE HON. SRI B. GOPALA REDDI :—"Has he been declared by a court as a crack now?"

* JANAB ABDUL LATIF FAROOKHI :—"I do not say so, Sir, but I said that he is known to be a semi-crack. If you go through his opinion, you will find that it is simply non-sense and that it has no connexion with this Bill. He simply praises the Nawab of Carnatic and glorifies him. But now there is no glory in the ex-ruling families—not even in the Native States. He says nothing about these wakfs. He speaks about his own family.

DR. V. K. JOHN :—"May I say that there is no provision in law to detain a semi-crack, unless he is a Communist, Sir."

* JANAB ABDUL LATIF FAROOKHI :—"What are the other weighty opinions, Sir? There is another opinion expressed about the Bill by a leading Muslim gentleman of Madras who is an auditor. He is not against the Bill altogether. Sir, opinions naturally vary. Here, that gentleman simply suggests certain modifications to the Bill. I do not say, Sir, that the Bill introduced

[Janab Abdul Latif Farookhi] [21st November 1949]

by me is infallible. If there are any modifications or amendments necessary, let us have them. That is why I have moved that the Bill be referred to a Select Committee. Perhaps certain modifications might be necessary. There are various opinions also expressed against the Bill. But if you go through this booklet and read all the opinions printed therein, you will find that many of those people who have expressed opinions against the Bill, simply have suggested only certain improvements or modifications. But so far as I could gather, Sir, none of them, whose opinions are entitled to some weight, want that the Bill should be scrapped altogether.

"Sir, what does the Board of Revenue say? The Board of Revenue, on the whole supports the Bill, besides forwarding the opinions of the various Collectors and in conclusion it says, 'The full Board is of the view that the intended legislation will provide for the efficient management of the wakfs in the Province'. What more authoritative opinion is required?"

"Then, Sir, which is the other strong and influential opinion against the Bill. That is probably the opinion expressed by Sir Muhammad Oosman."

THE HON. SRI K. MADHAVA MENON :—"The Muslim Educational Association of Southern India."

* JANAB ABDUL LATIF FAROOKHI :—"Sir, the Muslim Educational Association of Southern India says that a Bill of this kind is necessary, not merely to prevent mismanagement of the funds of the Muslim religious and charitable endowments, but also to preserve the properties of such endowments. You can as well go through their opinion from top to bottom. Then where is the reason for them to throw out this Bill? If, as I said, this Bill requires certain improvements or modifications, by all means, let us thrash it out in the Select Committee. Sir, all these reasons against the Bill boil down simply to this. It is a question of vested interests. I appeal to the Government that if they are satisfied that a Bill of this kind is not necessary for the preservation of the properties of charitable and religious endowments of the Muslim community, let them say so and I shall be satisfied. I will have no grievance against the Government. Let the Government say, 'Let the Muslim Wakfs go on like this; let their religious and charitable endowments go on as they are; let people in charge of these religious institutions squander or misappropriate their funds in any manner they like'. If they say like this, then all right, let my Bill be thrown out. If, on the other hand, they think that a measure of this kind is necessary for the Hindus of this Province to preserve the properties and to prevent mismanagement of the Hindu Religious and Charitable Endowments, even so I say, they should equally welcome this Bill. I do not see why they should draw a line of distinction between Hindus and Muhammadans in regard to the management of their religious and charitable endowments. Why should they not treat both of them alike and on an

21st November 1949] [Janab Abdul Latif Farookhi]

equal basis, and treat the Muslim institution with the same affection, with the same courtesy and with the same solicitude, with which they treat the religious institutions of their Hindu brethren.

"Now, Sir, what does the Muslim Educational Association of Southern India say? They say, 'For securing the proper administration of the Muslim religious and charitable endowments in this Province, the Association is of the firm opinion that there should be established a properly constituted independent statutory body such as a Board of Commissioners for Muslim religious and charitable endowments on the same lines as Hindu Religious Endowments Board with necessary modifications and adjustments as suited to the needs of the Muslim foundations'. Therefore, they do not say that there is no need for a legislation of this sort. Sir, you can read between the lines and draw your own conclusion. I leave it to the House to read this opinion and draw their own inference. What they want is that this Bill must be drafted on the same lines as those of the Hindu Religious Endowments Bill. Now I ask, what else does this Bill do? It is drafted on the same lines as the Hindu Religious Endowments Bill and is based on the same principle. What other motive is there for me in this Bill? Is there any other object in this Bill than the one which they themselves have expressed here? After all, Sir, I do not understand how things of this nature would be on different lines altogether.

"Sir, I do not want to go into the merits or demerits of this Bill at this stage. I say, that if those who are opposed to this Bill are sincere, let them suggest modifications; let them suggest amendments they want in the Select Committee. Let them even scrap the whole Bill and redraft all the clauses in the Bill; I would have no objection to that even. Let it be for the great good of their community. But if you do not want to do any of these things, then for God's sake, do not attribute motives to me for bringing forward this Bill and do not stand in my way. That is my request to you. Have the moral courage to come up and say, 'We want a Bill of this sort; let this Bill be modified and thrashed out in the Select Committee'. Therefore, Sir, I say to the Government, if you sincerely feel that this Bill is not necessary, then by all means oppose it. I would have no grievance against you. I would not complain against you. But let not the Government allow themselves to be misled and play into the hands of reactionaries or vested interests. For God's sake, please consider ten thousand times before you ask your party to oppose this motion.

"Now Sir, at the present stage it is not for me to speak about the details of this Bill because the very life of it hangs in the balance. Its life is in the hands of the Government party. If they really feel that a Bill of this kind is necessary for the preservation and protection of Muslim religious endowments and their properties, if they really want to help the Muslim community in this matter, then I would request them in all earnestness to support this measure. With these words, Sir, I move my motion."

[21st November 1949]

* **SRI R. SURYANARAYANA RAO** :—“ Mr. President, Sir, I rise to support the motion. Being ourselves engaged in the reform of Hindu Religious Endowments, I am sure, Sir, all of us will sympathize with the objects of this measure. As the hon. Mover himself has said, you may alter any details in the Select Committee, in any manner you like, without defeating the principle of this Bill, because the principle underlying this Bill is the same as that of the Hindu Religious Endowments Bill. Therefore, Sir, I heartily support the motion for referring this Bill to a Select Committee.”

MR. PRESIDENT :—“ The question is, that the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947), be referred to a Select Committee.”

* **JANAB K. T. M. AHAMED IBRAHIM** :—“ Mr. President, Sir, I move that the Madras Wakf Bill, 1947, be recirculated for eliciting public opinion thereon. In case, Sir, this motion is not carried, I should like to move my alternative amendment afterwards.

“ Sir, the hon. Mover of this motion had canvassed support for this Bill and in doing so, he has as a matter of fact canvassed support for my amendment. He himself admitted that there is no weighty opinion for the Bill.

“ Sir, the other day when this Bill was brought before the House, a motion was made that this Bill be circulated for eliciting public opinion. On that occasion the Leader of the House the Hon. Dr. T. S. S. Rajan said, ‘ I should like this Bill to be thrown open for public opinion, public opinion particularly from persons concerned in the management of the wakfs and the religious institutions there.’ That is to say, he wanted that persons who are actually concerned with the management of the wakfs and other Muslim religious institutions should express their opinion on this Bill. And again, Sir, he said, ‘ This measure should have public support. As far as we are concerned, we want that public opinion should be got on this Bill. Hindus being in a majority in this House and in this Province, I want to make it clear that in passing such a measure, we should give sufficient time’

“ Now, Sir, let us examine from the list of public opinions and documents received, what the reaction of the public towards this Bill is. What do those people who are concerned with this matter say about this Bill? Sir, here we have the opinions of Collectors communicated by the Secretary to the Board of Revenue. All the District Collectors have not expressed their opinions. Only a few Collectors have given their views. There is no indication as to how they have arrived at those opinions. Most of the opinions expressed are surmises of a vague nature. One Collector says: ‘ The general consensus of opinion appears to be in support of the Bill. Such a legislative measure appears necessary for the proper

21st November 1949] [Janab K. T. M. Ahamed Ibrahim]

and better management of the Wakfs.’ Sir, there is nothing definite in this opinion. Some of the Collectors have expressed their own individual opinions. Judging from these opinions, I do not think, Sir, that anybody can come to any correct conclusions in the matter. Whether the Collectors are in favour of this Bill or against it, whether they have properly ascertained the opinions of Muslims in the districts concerned or not, whether they have consulted the Muslim religious heads or the heads of Muslim religious institutions or not—nothing is clear.

“ Sir, the Collector of North Arcot says that two important Muslim representatives in the district who were consulted have expressed their opinions unequivocally against this Bill. The Collector of Madras also refers to the opinion of two important members of the Muslim community and says that they are definitely against the provisions of this Bill, and one of them is Sir Mahomed Usman and the other is Syed Abdul Wahab Bukhari Sahib.

“ Sir, the Chief Presidency Magistrate whose opinion has also been printed in this booklet says, ‘ The Muslim public opinion alone must have the final say in this matter, and I am not certain it would support the Bill ’.

“ Sir, of the 12 opinions given in favour of this Bill, one is from Mr. V. L. Ethiraj, the Public Prosecutor of Madras. He simply says, ‘ I agree with the principles and object of the Mover of the Bill ’. He does not discuss any of the provisions of the Bill. He does not say what the opinion of the Muslims on this Bill is. The Secretary to the Board of Revenue has simply forwarded the opinions of some of the District Collectors, and the opinions of most of them are, as I have already stated, not only vague, but do not also indicate whether the Muslims of the respective districts are for or against the Bill. There are also opinions received from two persons of the same family in Tiruchirappalli, who have expressed in favour of this Bill.

“ The Mover referred to the opinion expressed by the Muslim Educational Association of Southern India. That Association definitely says—

‘ Viewed from this aspect, the provisions of the Madras Wakf Bill No. 3 of 1947 and the machinery suggested therein do not and will not achieve any purpose whatsoever in securing the better and efficient management of the Wakf properties. This Association is of opinion that the provisions contained in the Bill are calculated only to defeat the very object rather than secure any good purpose. The Bill is ill-conceived, ill-drafted and cumbersome. The scheme of the Bill and the various bodies sought to be set up under the Bill for the administration and control of the endowments are unworkable and will tend to go the same way as the bodies set up under the Religious and Charitable Act 20 of 1863.

‘ In the opinion of this Association, the Madras Wakf Bill No. 3 of 1947 is unnecessary and no useful purpose will be served by its enactment into law.’

The Muslim Educational Association is very clear on this point, and it is no use trying to get away from this clearly expressed

3-15
p.m.

[Janab K. T. M. Ahamed Ibrahim] [21st November 1949]

opinion. Then there is the other opinion expressed by an Association in the City, namely, the Anjuman. The Anjuman has clearly stated—

“At a meeting of the Executive Committee of the Anjuman held on 6th June 1949 under the chairmanship of Sir Mohamed Usman, the following resolution was passed:—

“The Anjuman-e-Mufid-e-Ahl-e-Islam is of opinion that the Madras Wakf Bill 1917 (L.C. Bill No. 3 of 1917), will not at all achieve the purpose for which it is brought forward, as many of the provisions of the Bill are unworkable, ineffective and will create practical difficulties and will also discourage people from making wakfs; and therefore the ex-committee of this Anjuman requests the Government not to support the Bill.”

If we analyse the opinions received in favour of the Bill, they will reduce themselves to four or five people supporting the Bill. Khan Bahadur Mohamed Fazluddin Sahib Bahadur, Chidambaram, who has given his opinion in favour of the Bill, says that when the former Bill brought forward by Mr. Basheer Ahmed Sayeed Sahib was circulated for public opinion, his opinion was given. His opinion then was that ‘the disease might well be remedied by the Local Government by extending the Muslim Wakf Act of 1923 to the Madras Province and by rules and by-laws framed under the Act, and that the opinions were printed but the matter did not proceed further.’ This was the opinion he gave then. Now he has given some other opinion. He has not explained why he prefers this Bill, he only says it is satisfactory. On the other hand there are more than 25 opinions expressed against this Bill. All are by independent people like the Anjuman and the Muslim Educational Association of South India. Meetings have been conducted in Malabar, in the Nilgiris and other places. If we are to go by the opinions as given expression to by the various individuals and associations, and which have been printed in this book, there is no doubt that the Muslim public are definitely against this Bill. But my friend the Mover of the Bill says that the Muslim public has not expressed its opinion fully. I ask why should he then fight shy of recirculating the Bill for public opinion? The Muslim public wish that it should not be enacted into law. According to the opinions expressed and printed in this book they are definitely against this Bill. Only four or five have given their opinion in favour of this Bill. My hon. friend has attributed motives to those who oppose the Bill. I do not know who are the persons who are responsible for the so-called manipulation. Can he point out any single instance in which there was manipulation against the Bill? He says that he is capable of manipulating things and that he has manipulated on previous occasions. He could have done it now also. But the opinions against the Bill are the spontaneous opinions elicited by the Government. Only those people who have been asked by the Government to give their opinion have given their opinion. My hon. friend referred to certain irrelevant matters. I do not want to reply to them on the floor of this House. He is by such irrelevant and incorrect statement canvassing the support of the Members opposite with some ulterior purpose. I appeal to the hon. Members opposite not to be guided by such irrelevant and incorrect hoveys raised by my hon. Friend. I do not

21st November 1949] [Janab K. T. M. Ahamed Ibrahim]

want to reply to those points because they are too mean for me to reply. I shall answer only one point, viz., the allegation he made against the League.

“He has attributed motives to the Muslim League. He stated that because he had left the League, we were opposing this Bill. Let me remind my hon. Friend that he gave notice of this Bill when he was a Member of any party and without obtaining the permission of the party and even before he left our party, the party decided that this Bill should not be brought forward. The party, in fact, expressed its opinion against this Bill. What he says now is a canard which he has concocted for the purpose of enlisting the sympathy and obtaining the support of my friends opposite. He thinks that by telling them ‘I am one with you, only these people are against you; I am prepared to entrust you with everything mine, and my community’s and my community’s religious institutions while the other people will not do so.’”

THE HON. SRI K. MADHAVA MENON :—“Sir, is it in order for an hon. Member to say that a canard has been concocted? Canard always means a thing which has no existence. He says Mr. Farookhi Sahib concocted evidence.”

MR. PRESIDENT :—“He stated that he concocted materials.”

JANAB K. T. M. AHAMED IBRAHIM :—“Sir, the hon. Member Mr. Farookhi has used the word ‘manipulated’.”

DR. V. K. JOHN :—“The Muslim League wants extensive freedom to make personal allegations. It is in their very nature.”

* JANAB K. T. M. AHAMED IBRAHIM :—“Sir, I submit that there is no use going away from the real point at issue and bringing in irrelevant matters and trying to see one’s reflection in others. The Bill was circulated to elicit public opinion. The public opinion is there, and the Muslim public opinion has definitely expressed itself against the provisions of this Bill. If you are not satisfied with the opinions, the Bill may be recirculated. I am prepared to take it. But if you want to go by the opinions of four or five who are in favour of the Bill, I would say that it would be not only ignoring the Muslim public opinion but also going against the almost unanimous opinion of the Muslim public of the Province. The Hon. the Leader of the House the other day stated that he would go by the public opinion of those who are interested in the wakfs. I only request hon. Members opposite to fulfil that promise that in passing such a measure they would be guided by the opinion of the persons who are concerned in this Bill.

“Sir, reference was made to the Hindu Religious and Charitable Endowments Bill. We know that the Hindu community is not at all satisfied with the working of the Endowments Act. Another measure is about to be enacted into law. What is the use of bringing in a measure for Muslims based on an Act which has become obsolete, and which is considered not sufficient to satisfy the needs of the Hindu Religious Endowments. Let us wait until

[Janab K. T. M. Ahamed Ibrahim] [21st November 1949]

the other measure comes into force, and see how it works. If you bring the Muslim endowments also into the same position as the Hindu religious endowments, there will be further confusion. I request the Government not to be a party to create further confusion in the matter, especially when that Act has been found unworkable, and a new and comprehensive measure is being enacted. Therefore, Sir, that analogy does not apply.

"In view of all that I have stated, I would appeal to the Members opposite either to be guided by the opinion as expressed, or, if they are not willing to do so, to agree to recirculate the Bill for eliciting public opinion. I do not think a better case for recirculation can be made for any Bill. I hope that the members of the majority party will not succumb to the tactics of the Mover of the Bill to enlist their support."

JANAB S. K. SHAIK ROWTHER :—"Mr. President, Sir, I second Mr. Ibrahim's amendment that the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947) be recirculated for eliciting public opinion thereon, under Rule 74 of the Madras Council Rules, as in my opinion and in the opinion of the Muslim League party this Bill is not necessary, and it should not be passed. So, I support the amendment moved by Mr. Ibrahim."

* THE HON. SRI K. MADHAVA MENON :—"Sir, this motion for recirculation appears to be out of order. Rule 75 of the Council Rules says—

"75. (1) At any time after the expiry of six days from the publication of a Bill in the Gazette, the member in charge of the Bill may make one of the following motions in regard to his Bill, namely :—

(a) that it be taken into consideration by the Council either at once or at some future day to be then specified; or

(b) that it be referred to a Select Committee of the Chamber; or

(c) that it be circulated for the purpose of eliciting opinion thereon.

(2) On such motion, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle."

"Rule 76 says—

"76. Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried and the Bill is circulated in accordance with that direction and opinions are received thereon, the member in charge, if he wishes to proceed with his Bill thereafter, must move that the Bill be referred to a Select Committee; unless the President, in the exercise of his power to suspend this rule, allows a motion to be made that the Bill be taken into consideration."

So, the option given is either to move that the Bill be referred to a Select Committee or be taken into consideration at once. There is no question of a second circulation contemplated under rule 75. In rule 76 the option given to the President is only to advance it further by saying that it may be taken into consideration at once and not referred to a Select Committee."

MR. PRESIDENT :—"Please read rule 74."

THE HON. SRI K. MADHAVA MENON :—"Rule 74 says—

"74. No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill, and no motion that a Bill be referred to a Select Committee or be circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge."

21st November 1949]

MR. PRESIDENT :—"This rule seems to contemplate a motion for recirculation being made by a member other than the member in charge."

THE HON. SRI K. MADHAVA MENON :—"Rule 75 comes after this. That rule says . . ."

MR. PRESIDENT :—"If the word 'recirculation' is not there, it is all right. It says . . . circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge."

THE HON. SRI K. MADHAVA MENON :—"Then, rule 76 becomes absolutely useless. Every time a motion for recirculation can be made, and any Bill can be made nugatory. That is why rule 76 says that it must be referred to a select committee."

MR. PRESIDENT :—"I know there is a direction so far as the Member is concerned that he cannot do anything else except to ask for a select committee to be appointed. So far as the Member in charge of a Bill is concerned, when once it has been circulated for public opinion, his business is to move for a select committee to be appointed. But the right of any other Member to say that the Bill be recirculated is not taken away."

THE HON. SRI K. MADHAVA MENON :—"Rule 74 says that 4 p.m. the Member in charge can move that motion also."

MR. PRESIDENT :—"Rule 74 says . . . any Member other than the Member in charge . . ."

THE HON. SRI K. MADHAVA MENON :—"It says—

'no motion shall be made by any member other than the member in charge . . .'

Therefore, the Member in charge can always move for recirculation."

MR. PRESIDENT :—"Please read the latter portion also. 'No motion . . . shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge'."

THE HON. SRI K. MADHAVA MENON :—"When the member in charge can move for recirculation, rule 76 is meaningless. Under rule 76, he must move that the Bill be referred to a Select Committee."

MR. PRESIDENT :—"We are only concerned with this—whether a member other than the member in charge of the Bill can move for recirculation. Is it contemplated under rule 74 or not?"

THE HON. SRI K. MADHAVA MENON :—"Of course, the word 'recirculated' is very difficult to be interpreted, Sir."

MR. PRESIDENT :—"On one occasion in the Central Assembly on the Hindu Marriages Dissolution Bill, an amendment was moved. The Bill was once circulated for public opinion; it came up before the House while the member in charge moved for recirculation."

[21st November 1949]

THE HON. SRI K. MADHAVA MENON :—“ In rule 74 the words ‘ be circulated or recirculated ’ may give room for an interpretation for recirculation. But the member in charge can move that the Bill be referred to public opinion instead of saying that the Bill be taken into consideration. As rule 76 comes after rule 74, he must move that the Bill be referred to a Select Committee.”

MR. PRESIDENT :—“ No, the difference is that under rule 76 the member in charge, if he wishes to proceed with the Bill, must move that the Bill be referred to a Select Committee. Otherwise he can ask for recirculation under rule 74.”

THE HON. SRI K. MADHAVA MENON :—“ If the member in charge does not want to proceed with the Bill, he can ask for recirculation.”

* DR. V. K. JOHN :—“ This is very simple in my opinion. There is no conflict between rules 74, 75 and 76. Rule 75 comes into play after the stage of circulation. Then, the President might, in the exercise of his power, allow a motion to be made that the Bill be taken into consideration. Then we repass rule 75 which we once passed. Then we go back to rule 74. Rule 74 says, ‘ No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a Select Committee or be circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge? . . . ’ Therefore, if you had exercised your power under rule 76, this member in charge may move that the Bill be taken into consideration. When once it has been moved, any member other than the member in charge may move that it be recirculated. But now you have not exercised your power and have allowed Mr. Parookhi Sahib to move that the Bill be referred to a Select Committee. Then rule 74 is not reattracted. Therefore, circulation or recirculation goes away. Nobody can move for it. But somebody can move, in my opinion, that it should be referred to a Joint Select Committee because rule 111 will be attracted, even though rule 74 is not.”

MR. PRESIDENT :—“ I say rule 74 will apply when rule 75 is taken into consideration.”

* DR. V. K. JOHN :—“ Before rule 75 comes into play or replay, when you ask that the Bill may be taken into consideration . . . ”

MR. PRESIDENT :—“ You say that rule 74 can be applied when it comes into play for the first time or when it is reattracted by my saying that the Bill be taken into consideration. Rule 75 contains all the three motions—that the Bill be taken into consideration, that it be referred to a Select Committee, and that it be circulated for eliciting public opinion. It does not provide for consideration alone. So, if rule 75 is attracted, all the three are attracted. Circulation is also there. So, please let me know how you explain the word recirculation.”

21st November 1949]

* DR. V. K. JOHN :—“ Recirculation may be second, third or fourth circulation. So this Bill reached the stage of rule 75 at one time. The motion ‘ that the Bill be taken into consideration by the Council either at once or at some future date ’ can be made by your exercising the power under rule 76.”

MR. PRESIDENT :—“ But rule 75 comes into play for all these things—taking into consideration, referring it to a Select Committee or circulating it for eliciting public opinion. The stage of circulation for eliciting public opinion was over. Now, if the member in charge wants to proceed with his Bill, he must move that the Bill be referred to a Select Committee. That is what has been done now. But some other member who does not want to proceed with it may move an amendment under rule 74 that it be recirculated. Please let me know how you explain the word ‘ recirculated ’ in rule 74.”

* DR. V. K. JOHN :—“ Under rule 75 there was an amendment to this motion that the Bill be circulated. The amendment was carried last time.”

MR. PRESIDENT :—“ It was accepted.”

* DR. V. K. JOHN :—“ Yes, Sir, the Bill was accordingly circulated. Then from 75 we go to 76. There the President may in the exercise of his power suspend the rule and allow a motion to be made that the Bill be taken into consideration. But if you do not suspend that rule, what happens.”

MR. PRESIDENT :—“ The motion will be for reference to a Select Committee.”

* DR. V. K. JOHN :—“ That can be done only if you do not suspend that rule, because it is said there that if the member in charge wishes to proceed with the Bill thereafter, he must move that the Bill be referred to a Select Committee. But if the President suspends the rule, . . . ”

MR. PRESIDENT :—“ What difference does it make? ”

* DR. V. K. JOHN :—“ The difference is this—then rule 74 will be reattracted, for you are allowing a motion that the Bill be taken into consideration.”

MR. PRESIDENT :—“ But rule 74 contemplates taking into consideration as well as reference to a Select Committee.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, I think the position is very clear in spite of what my hon. Friend has got to say. Under rule 75, the motion that the Bill be referred to a Select Committee of the Chamber has been passed on a previous occasion.”

MR. PRESIDENT :—“ No, it was for circulation.”

DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Yes, Sir, the motion that the Bill be circulated for eliciting public opinion was passed. Then, the next stage is rule 76 where the Mover says that it be referred to a Select Committee. We are

[Dr. A. Lakshmanaswami Mudaliyar] [21st November 1949]

now on that motion. It is at this stage that rule 71 comes into operation. Your power as President to suspend the rule has not arisen at all. The position now is that the House is seized with the motion of the hon. Mover of this Bill that it be referred to a Select Committee. When that motion is made, rule 74 gives an opportunity to any other member to say 'As the Bill has been moved to be referred to a Select Committee, I now move, by way of an amendment, that it be recirculated for eliciting public opinion.' The position is thus very clear. I do not see why the time of the House should be wasted."

DR. V. K. JOHN :—"Rule 71 does not contemplate 'Select Committee' at all. The clause only says 'No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill . . .'"

MR. PRESIDENT :—"There is the second half of the rule 'no motion that a Bill be referred to a Select Committee or be circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge . . .' Rule 71 deals with both 'taking into consideration' and 'referring it to a Select Committee.' Rule 75 contains all these things—'taking into consideration,' 'Select Committee' and 'eliciting public opinion.' After eliciting public opinion, if the member in charge wants to proceed, he can move that the Bill be referred to a Select Committee; if he does not want to proceed, he can himself make a motion under rule 74 that it be recirculated. If he wants to proceed, any other member can move that it be recirculated."

* DR. V. K. JOHN :—"Sir, I want to oppose the motion for recirculation. Apart from this legal question which we have now decided, I want to say this. It does not appear that the Members had time to read the opinions on this Bill before. The Collector of Madras said—

'The Madras Wakf Bill, 1947, seeks effectively to control the religious and charitable endowments, which are not satisfactorily managed by the trusts, on the analogy of the Hindu Religious Endowments Act. The advantages arising out of the enactment outweigh the disadvantages which are likely to result on the introduction of the Bill.'

"The Secretary, Board of Revenue, said—

'The consensus of opinion of the Collectors is in favour of the Bill. The Board agrees with the Collectors that the Bill is a necessary measure . . . In conclusion, the full Board is of the view that the intended legislation will provide for the efficient management of the Wakfs in the Province.'

Sir, my hon. Friend Mr. Ibrahim said that 'Muslim public opinion is dead against it'. I am wondering whether the Secretary, Jamia-Ulama-I-Hind (Andhra Branch), Eluru, can speak on behalf of the Muslims. He said—

'The (Muslim) Conference is of opinion that a legislation of this kind is essential to protect the Wakf properties from mismanagement and request the Government to provide for a membership nominated by the Jamiat-Ulama-I-Hind, Andhra Branch.'

Mr. Sayyid Abdul Karim Suhrawardy, Tiruchirappalli, in an Appeal to the Muslim masses, says: 'Hence our sincere appeal to all Muslims to realize their responsibility and accord enthusiastic support to the proposed Wakf Bill so that our community may improve.'

21st November 1949] [Dr. V. K. John]

"Again, Khan Bahadur Muhammad Fuzluddin Sahib, Retired District and Sessions Judge, Chidambaram, says: 'The Bill is long overdue.'

"Thus, there are many opinions of leading Muslims in this Province and my learned Friend has the goodness to state in this House 'Muslim opinion is against it'. At best, it is divided. But the opinion of the Board of Revenue and of all Collectors is in favour of this Bill or the principle underlying it.

"Sir, when it is said that the Muslims are not in favour of this, I can see the hand of the Muslim League behind it. Sir, 4.15 p.m. we can refer this Bill to a Joint Select Committee. We want that the Trust funds should be well controlled and there should not be any mismanagement. When Hindu institutions and Christian institutions are controlled and guarded against mismanagement, why not the Muslim institutions too be controlled likewise? This Government belong to everybody. So, this Bill ought to go before a Joint Select Committee. Let the hon. Members go through the whole thing and make drastic changes if they like. The principle has been accepted. The opinion of the Collectors and the Board of Revenue is in favour of this measure. I therefore say that the amendment should not be supported."

MR. PRESIDENT :—"What does the Government say in this matter?"

* THE HON. SRI K. MADHAVA MENON :—"Sir, the Government as such have no opinion to offer on this Bill. The opinions have been circulated to all the members and Government have left it entirely to the free vote of the members of the party to decide as they like. Personally, my view—, not as a member of the Government—, is that it is very desirable that endowments which become more or less a public property should be looked after properly. In this case, the proposal is to have a Board consisting of Muslims alone. The matter could be considered profitably in a Select Committee and discussed thread-bare and something could be done which would save the Endowments from being destroyed and made useful for the purpose for which they were intended by the donors. Sir, this is a ticklish matter for the Government to express an opinion on, as it will be easily construed that we are trying to set up one section of the community against the other. When there is divided opinion, it is very easy to say that we want to divide people and all that. So, in this matter, we propose to take a neutral attitude and leave it to the members of the party to decide as they like."

SRI T. PURUSHOTHAM :—"Mr. President, Sir, this Bill that has been brought forward by Mr. Farookhi Sahib is a very good one in order to protect the properties of the Muslim Charities. Sir, those people who had the backing of the previous Government could escape and enjoy the properties of the Muslim Charities of these Wakfs. The only people who are enjoying these properties are the Leaguers. Therefore they do not want that such a Bill should come into force even at this juncture. We, Hindus are anxious to protect the properties of the temples and long ago, we have brought

[Dr. A. Lakshmanaswami Mudaliyar] [21st November 1919]
now on that motion. It is at this stage that rule 71 comes into operation. Your power as President to suspend the rule has not arisen at all. The position now is that the House is seized with the motion of the hon. Mover of this Bill that it be referred to a Select Committee. When that motion is made, rule 71 gives an opportunity to any other member to say 'As the Bill has been moved to be referred to a Select Committee, I now move, by way of an amendment, that it be recirculated for eliciting public opinion.' The position is thus very clear. I do not see why the time of the House should be wasted."

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1st November 1919] [Dr. V. K. John]

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"Sir, when it is said that the Muslims are not in favour of this, I can see the hand of the Muslim League behind it. Sir, we can refer this Bill to a Joint Select Committee. We want that the Trust funds should be well controlled and there should not be any mismanagement. When Hindu institutions and Christian institutions are controlled and guarded against mismanagement, why not the Muslim institutions too be controlled likewise? This Government belong to everybody. So, this Bill ought to go before a Joint Select Committee. Let the hon. Members go through the whole thing and make drastic changes if they like. The principle has been accepted. The opinion of the Collectors and the Board of Revenue is in favour of this measure. I therefore say that the amendment should not be supported."

MR. PRESIDENT :—"What does the Government say in this matter?"

* THE HON. SRI K. MADHAVA MENON :—"Sir, the Government as such have no opinion to offer on this Bill. The opinions have been circulated to all the members and Government have left it entirely to the free vote of the members of the party to decide as they like. Personally, my view—, not as a member of the Government—, is that it is very desirable that endowments which become more or less a public property should be looked after properly. In this case, the proposal is to have a Board consisting of Muslims alone. The matter could be considered profitably in a Select Committee and discussed thread-bare and something could be done which would save the Endowments from being destroyed and made useful for the purpose for which they were intended by the donors. Sir, this is a ticklish matter for the Government to express an opinion on, as it will be easily construed that we are trying to set up one section of the community against the other. When there is divided opinion, it is very easy to say that we want to divide people and all that. So, in this matter, we propose to take a neutral attitude and leave it to the members of the party to decide as they like."

SRI T. PURUSHOTHAM :—"Mr. President, Sir, this Bill that has been brought forward by Mr. Farookhi Sahib is a very good one in order to protect the properties of the Muslim Charities. Sir, those people who had the backing of the previous Government could escape and enjoy the properties of the Muslim Charities of these Wakfs. The only people who are enjoying these properties are the Leaguers. Therefore they do not want that such a Bill should come into force even at this juncture. We, Hindus are anxious to protect the properties of the temples and long ago, we have brought

[Sri T. Purushotham] [21st November 1919]

in a Bill to protect the properties of the charitable institutions. Therefore, we want to support any Bill that safeguards the properties of any charity to whichever community it may belong. Therefore, we Hindus heartily support the Wakf Bill (hear, hear) which will protect the properties of the Muslim Charities. Now, several of the Muslims in our Province, several bigwigs have lost their properties and are entirely dependent on these charity properties. It may become an obstruction to these persons if this Bill is enacted as they cannot enjoy these properties as they were doing before. Therefore, I request my friends on this side to support such a measure like this brought by Mr. Abdul Farookhi. If there are any defects in this Bill, let us sit together if this is referred to a Joint Select Committee. We can scrutinise this Bill and see that a beautiful Bill is enacted into law to safeguard the properties of the charitable institutions to whichever community they may belong. I support this motion of Mr. Abdul Farookhi to refer this Bill to a Joint Select Committee."

* THE HON. DR. T. S. S. RAJAN :—" As far as the Government party is concerned, the party members are allowed to have a free vote in this matter. They are entirely free to vote as they think best. But, personally, I would like to warn our members of one fact. This Bill relates to the Muslim community which has to be noted by them. In view of the fact that this Bill has been brought before us and as the Government are responsible for it, it is our duty to bring to bear the Muslim opinion on the Bill. I do not want it to be said that we, Hindus, want, by our number, to capsize the Muslim public opinion and that we have not done justice to them. I do not want our Muslim brothers to go and say that we have not treated them fairly and well. If they feel that by our majority we can do injustice to them, I do not want that opinion to prevail in that community. It is very necessary that for the cordial relations of both communities, we must understand each other. Therefore, we as Government, have allowed our party members to use their judgment on this matter and give their vote. In so doing, I want to warn our members also as to the consequences of their action if they do it without due consideration to Muslim opinion in this matter. They will certainly be causing a certain amount of lack of harmony in our relations with Muslims. I do not know whether Mr. Farookhi Sahib said that Muslim opinion is entirely in favour of the Bill. Opinions recorded with regard to this Bill disclose that there is difference of opinion. It may be said that the majority of opinion is in favour of this Bill. There may be many people who are in favour of this Bill. That may be true. That would not be sufficient for us, members of this House, to say that Muslim opinion is entirely in favour of this Bill. Therefore, I would ask the members to allow Muslim opinion to go into this matter and in doing so, if a Joint Select Committee could be constituted in which the Muslim opinion will be well represented, such a Committee is certainly welcome. I would like Mr. Farookhi Sahib to wait and get the opinion of the Legislative Assembly as well so that as many Muslims as possible could express a definite opinion on this matter when the Joint Select Committee considers the whole question. At the time when I supported the Bill, I

21st November 1919] [Dr. T. S. S. Rajan]

thought that Muslim opinion would be unanimously in favour of this Bill. Now I find that there is difference of opinion. In religious matters, especially of the minority communities in our Province, we must see that good relations are always maintained because it is very necessary to carry on the administration in a way agreeable to all. Personally, in a matter like this, I would like to consider the opinion of the Muslims seriously. Hence I would like the members to seriously consider these points before they decide to vote."

* SRI S. B. ADITYAN :—" I would like to touch on one aspect of the matter under discussion. The point is whether this Bill should be recirculated to elicit public opinion. I submit that that would be a waste of further time and probably expenditure. If it is still in doubt as to what Muslim opinion actually is on this point, it can be obtained even now. Even if the Bill is referred to a Select Committee, it will be open to the Select Committee to take evidence and to call the public to express their opinion by notice which will be published in papers. Those interested can come forward and submit memoranda or give evidence before the Select Committee. The Select Committee after hearing the evidence can come to a correct conclusion. There is no shutting out of public opinion by the appointment of a Select Committee. I submit that at this stage we may now proceed to the next step as a *prima facie* case has been made out. It may be that Muslim opinion is divided, but still, as a case has been made out for appointment of a Select Committee any further evidence that may be necessary can be taken at a later stage by the Select Committee itself. I support Mr. Abdul Farookhi Sahib's motion."

* JANAB ABDUL LATIF FAROOKHI :—" Sir, I do not want to take up the time of the House by entering into controversial matters. I would simply make one or two observations. My hon. Friend Mr. Ibrahim Sahib referred to the opinion of Mr. Muhammad Fazluddin Sahib. If you go through the opinion of Mr. Fazluddin Sahib, an ex-District Judge, you will find that he has expressed himself in clear unmistakable terms that he is in favour of this measure. There is no question of Mr. Fazluddin Sahib being opposed to this measure. I would like to submit for the consideration of Leader of the House the fact that it is no use if we are going to live in separate water-tight compartments as Muslim opinion for Muslims where Muslim matters will be considered and Hindu opinion for Hindus where Hindu matters will be considered (Hear, hear). Then, the logical and correct conclusion of that course of reasoning is that you must have separate electorates for Muslims and Hindus. When we are trying to do away with this and trying to weld these two communities harmoniously, feeling that their interests are inter-twined and mixed up together, this sort of saying that Muslim opinion will have to be obtained for matters relating to Muslims and Hindu opinion will have to be obtained for matters relating to Hindus does not at all suit. I have no objection to drop this Bill even at this stage. I do not want anything for me in this Bill. I only wanted that something should be done to the public.

[Janab Abdul Latif Farookhi] [21st November 1949]

4-30 p.m. "I differ from the Hon. the Leader of the House. I do not agree with the views he has just now expressed. He intends to take only Muslim opinion into consideration in this matter rather than . . ."

DR. V. K. JOHN :—"The Hon. the Leader of the House said that no section of Muslim opinion should be hurt. He never said that no Hindu opinion should be consulted."

* JANAB ABDUL LATIF FAROOKHI :—"I stand corrected, Sir. I am thankful to the Leader of the Opposition for having cleared my mind. I submit that there can be no measure, however good and however perfect it may be, which will command unanimous support. Even the best of measures will have some critics. So, you cannot totally eliminate criticism. You cannot imagine that everyone living in this Province will be in favour of any measure you bring forward. Take for instance the Hindu Religious Endowments Bill. There is criticism among the Hindus themselves of this Bill. It may perhaps be due to the existence of vested interests, and you can ignore them. Therefore, it is impossible to expect hundred per cent support for a measure and all that you have to see is that the majority of the people affected by the legislation is in favour of it. Now judging from the various opinions received on my Bill, I have no doubt whatsoever in my mind that the majority of Muslim as well as other opinion is in favour of this Bill. I have also read the views of the Collectors of several districts and consulted various important Muslim leaders. All are one in supporting my measure. (A Voice : 'The majority are against the Bill'.) Whatever may be the opinion of my hon. Friend, it is up to him to canvass support for it. But anyone who is not so much interested or anxious as my hon. Friend is in re-eliciting public opinion, will see that my Bill commands all-round support. I do not want to dilate further and weary the House. Sir, I oppose the amendment."

MR. PRESIDENT :—"The question is—

'That the Madras Wakf Bill, 1917 (L.C. Bill No. 3 of 1917) be recirculated for eliciting public opinion thereon'."

The amendment was put and lost.

* JANAB K. T. M. AHAMED IBRAHIM :—"Sir, I move—

'that under rule 111 (1) of the Madras Council Rules, the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of fifteen members to consider the Madras Wakf Bill, 1917 (L.C. Bill No. 3 of 1917), (5 Members from the Council and 10 Members from Assembly).'

This is an amendment which has already been accepted by the Leader. . . (The Hon. the Leader of the House : 'No. I have not accepted anything.) I meant the Leader of the Opposition and therefore, I hope there may not be any difficulty in the mover accepting it, as his leader has already expressed himself in favour

21st November 1949] [Janab K. T. M. Ahamed Ibrahim]

of it. We have been often clamouring for Joint Select Committees in regard to Bills emanating from the Assembly and now this is a proper occasion when we can set an example for the other House in the matter of Bills emanating from this House. Sir, I submit that the opinions and the views of the important Members of the other House especially of the Muslim Members of that House would be very helpful and necessary in regard to the final drafting of the Bill. I am sure that there will be no objection on the part of hon. Mr. Farookhi Sahib to the constitution of a Joint Select Committee. Everyone will agree that there is hardly any harm in having Joint Select Committees. On the other hand, it is highly necessary, advisable and beneficial to have Joint Committees. We have been urging for such committees on every occasion. I would therefore commend this motion to the acceptance of the House and I do not want to go into the merits of the case now."

JANAB S. K. SRAIK ROWTHER :—"I second it."

JANAB ABDUL LATIF FAROOKHI :—"On a point of order, Sir, the question of constituting a Joint Select Committee comes in only in the case of those Bills emanating from and passed by the Assembly, and Rule 74 contemplates only 'a Select Committee'."

MR. PRESIDENT :—"The stage relating to Rule 74 is over. We are in Rule 76 now."

JANAB ABDUL LATIF FAROOKHI :—"There again, the rule contemplates reference to 'a Select Committee'. May I know, Sir, whether it provides for a Joint Select Committee?"

MR. PRESIDENT :—"It does not say so exactly, but it includes a Joint Select Committee also."

JANAB ABDUL LATIF FAROOKHI :—"I still feel that the motion is inadmissible . . ."

MR. PRESIDENT :—"The original motion by Mr. Abdul Latif Farookhi has been made under Rule 76 that the Bill be referred to a Select Committee. The present amendment is to that motion itself and is made under Rule 111 (i). Therefore, it is wrong to think that Rule 111 (i) comes into play only in the case of Bills emanating from and passed by the Assembly and received here for our consideration. It applies to all Bills whether they originate here or in the other House, but once a Bill is passed by the Assembly after reference to a Select Committee, we have no right to appoint another Committee."

DR. V. K. JOHN :—"With due respect, Sir, the heading in the rules is misleading. Probably it is a printer's mistake."

JANAB ABDUL LATIF FAROOKHI :—"May I know, Sir, how my amendment to refer the Public Order Bill to a Joint Select Committee was allowed?"

MR. PRESIDENT :—"That Bill was not referred to any Select Committee in the Assembly and so the Motion for Select Committee was allowed."

[21st November 1919]

JANAB ABDUL LATIF FAROOKHI :—" Sir, if we appoint a Select Committee here, then pass the Bill and send it on to the Assembly, the Assembly too has got a right to appoint another Committee."

MR. PRESIDENT :—" Is the hon. Member making a rule for the other House or is he following the rules in force here? There is a rule, Rule 106, which says that if a Select Committee has been appointed by one House, the other House has no right to appoint another Committee on the same Bill."

SRI M. NARAYANA RAO :—" Sir, may I know whether it is necessary that this Bill, before it is passed here, should go to the other House? "

MR. PRESIDENT :—" Yes, if the constitution of a Joint Select Committee is agreed to."

JANAB ABDUL LATIF FAROOKHI :—" On a point of order, Sir, is my hon. Friend in order in moving a second amendment to the same Bill? "

MR. PRESIDENT :—" The hon. Member can move any number of amendments."

SRI M. NARAYANA RAO :—" Sir, is it necessary that this Bill should go to the Lower House and have its approval even after we have agreed to a Joint Select Committee, and then only we can nominate Members? "

MR. PRESIDENT :—" I shall explain the procedure. We do not appoint the members now. We simply pass the motion saying that this House resolves that a Joint Select Committee with 15 members, 10 from the other House and 5 from here, be constituted and request the Lower House to express its concurrence. If the Lower House accepts our motion, they pass a similar resolution and nominate their members and send it on to us. Then we nominate our members, and the Joint Select Committee meets and submits its report."

SRI S. B. ADITYAN :—" Sir, the Motion before the House is that the Bill be referred to a Joint Select Committee. I feel that such a thing would delay matters and would even defeat the very purpose of the legislation. I therefore oppose the amendment."

JANAB ABDUL LATIF FAROOKHI :—" I am also opposing this Motion on the ground that reference to a Joint Select Committee will serve no useful purpose. I have already mentioned in my speech that such dilatory tactics are often indulged in to side-track the issue. . . ."

MR. PRESIDENT :—" We are not the only Legislative Chamber. Even supposing we appoint a Select Committee here and pass the Bill, it is open to the other House to throw it out. Therefore, it is not as if the whole thing rests in our hands."

JANAB ABDUL LATIF FAROOKHI :—" I am not unaware of the fact, Sir, that a Bill when passed here has to go to the Assembly

[21st November 1919] [Janab Abdul Latif Farookhi]

for becoming law. I do not dispute that at all. What I mean to suggest is that such amendments are resorted to as a sort of dilatory tactics. . . ."

DR. V. K. JOHN :—" Sir, if we pass the motion that the concurrence of the Lower House be obtained, is it necessary that it should be moved there on a non-official day? I think the moment the motion is carried, it becomes official business and the Government will have to make the motion in the other House. I would request the Government to take up the motion as otherwise it will be delayed and will not be moved during this session."

MR. PRESIDENT :—" I cannot understand the hon. Member's argument that once the motion is carried here it becomes official business. Last year, when Mr. Kaleswara Rao's Bill was passed by the Assembly, he had to find a non-official Member in this House to move the Bill. I can understand the argument being put forth by any other hon. Member, but I am sorry that a person like Dr. John should have raised it. It is up to the Government to take up the Bill. If they do not the hon. Mover must find somebody to sponsor it in the Lower House."

JANAB ABDUL LATIF FAROOKHI :—" I oppose it and simply sit down." (Laughter.) 4-45 p.m.

* SRI S. B. ADITYAN :—" On the subject of this amendment I have got this to submit. There is certainly difference between referring it to a Select Committee and to a Joint Select Committee. If you refer it to a Joint Select Committee it has to go to the Assembly twice for concurrence. It should wait for a non-official day in the Assembly and it has to come again to this House and again wait for a non-official day. I had my own experience on a non-official motion moved by me two years ago. It took two full years. There was no end to the references and cross references and it is to be passed next week by the Assembly."

MR. PRESIDENT :—" Next week? "

SRI S. B. ADITYAN :—" I hope so."

MR. PRESIDENT :—" What is the Bill."

* SRI S. B. ADITYAN :—" Animal Sacrifice Abolition Bill. It was passed here and is still waiting for a non-official day in the Assembly. Therefore what I feel is, if you want to drop the Bill, do so openly, straightaway now, and there would be an end to it. On the other hand if you feel we must do something, which certainly seems to be the opinion of all, I say, let us make a move and appoint a Select Committee. Let it collect evidence. The Members of the Assembly can appear before the Select Committee and offer their opinions. Mr. President, the Hindu Religious Endowment Bill was before a Select Committee and Members of this House and the Members of the Assembly gave their opinions before the Committee. Their evidence was duly considered although

[21st November 1949]

SRI T. PURUSHOTHAM :—“ Let us pass this Bill in the upper House and leave it there. Then it may be referred to the lower House.”

SRI M. NARAYANA RAO :—“ What will become of the Bill after it is passed here? ”

Mr. PRESIDENT :—“ That is what I was telling you. The Governor-General will provide for it. I will put the amendment to the vote of the House. The question is—

‘ That under rule 111 (1) of the Madras Council Rules, the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of fifteen Members to consider the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947) (five Members from the Council and ten Members from the Assembly). ’ ”

The amendment was put to the House and declared lost. A poll was demanded and the House divided thus :—

Ayes.

- | | |
|---------------------------------|------------------------------------|
| 1 Janab K. T. M. Ahmed Ibrahim. | 4 Dr. A. Lakshmanaswami Mudaliyar. |
| 2 „ S. K. Sheik Rowther. | 5 Sri B. Narayanaswami Nayudu. |
| 3 „ K. Muhammad Rahimatullah. | |

Noes.

- | | |
|-------------------------|--------------------------------|
| 1 Sri S. B. Adityan. | 7 Sri M. K. Sundarama Ayyar. |
| 2 „ L. Subbarama Reddi. | 8 „ G. Venkata Reddi. |
| 3 „ M. Narayana Rao. | 9 Dr. V. K. John. |
| 4 „ T. Purushotham. | 10 Janab Abdul Latif Farookhi. |
| 5 „ N. Ramabhadra Raju. | 11 Sri H. M. Jagannatham. |
| 6 „ A. Govindacharyulu. | 12 „ R. Suryanarayana Rao. |

Neutrals.

- | | |
|----------------------------------|-----------------------------------|
| 1 The Hon. Dr. T. S. S. Rajan. | 5 Sri K. Manathunainatha Desigar. |
| 2 The Hon. Sri K. Madhava Menon. | 6 „ A. S. T. F. Rodriguez. |
| 3 The Hon. Sri J. L. P. Roche | 7 Dr. P. S. Srinivasa Ayyar. |
| Victoria. | 8 Sri A. Gopalakrishnayya. |
| 4 Sri N. Sankara Reddi. | |

Ayes 5 ; Noes 12 ; Neutrals 8.

The motion was lost.

Mr. PRESIDENT :—“ I will now put the motion to the vote of the House. The motion is—

‘ That the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947), be referred to a Select Committee consisting of the following Members :—

- 1 The Hon. Sri K. Madhava Menon.
- 2 Sri G. Venkata Reddi.
- 3 Sri A. Govindacharlu.
- 4 Sri S. A. S. Rm. Ramanatham Chettiyar.
- 5 Janab K. Uppi.
- 6 Janab K. Muhammad Rahimutulla.

21st November 1949]

7 Sri T. Purushotham

8 Dr. Syed Tajuddin.

9 Janab Abdul Latif Farookhi (Mover).

10 Janab K. T. M. Ahmad Ibrahim.

11 Sri H. M. Jagannatham.”

The motion was put and carried.

Mr. PRESIDENT :—“ Under rule 78 of the Council Rules, I appoint the Hon. Sri K. Madhava Menon as Chairman of the Committee.”

Dr. V. K. JOHN :—“ May I ask whether it would be possible to have one or two hours on the next day for the transaction of the remaining non-official business? ”

THE HON. SRI B. GOPALA REDDI :—“ On the next non-official day, it will be possible.”

Mr. PRESIDENT :—“ I have already said that there is no use of making that suggestion. I am sorry we could not get through the rest of the non-official business. The House will now adjourn and meet again at 11 a.m. on Saturday, 26th November.”

The House then adjourned.

